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April 10, 2013

Committee on Government Operations and State Licensing Public Hearing

Chairman August and committee members, thank you for considering AB85. This bill maximizes local control by providing citizens in Milwaukee County with the opportunity to vote in a countywide referendum to determine the level of representation they receive from the county board. It increases accountability to the voters by making the terms of Milwaukee County Supervisors consistent with board members in every other county in this state. It increases government efficiency and saves tax dollars by bringing the Milwaukee County Board's budget closer in line with all other boards around the state. It also adds context and content to existing state statutes that will more clearly define the roles of the county board and county executive.

An efficiently run, cost effective government in Milwaukee County is vital to economic development and job growth in the region. As an economic hub, and a large recipient of state aid, the financial health of Milwaukee County affects each and every resident in Wisconsin. AB85 is a statewide concern.

First, I would like to address the issue of state authority to enact the changes in this bill.

County government is defined as the local face of state government, and is part of our inheritance from England. In Wisconsin, County government predates the Wisconsin Territory. Through enactment of the Northwest Ordinance by the United States Congress on July 13, 1787, The Wisconsin Territorial Legislature had authority to create or consolidate counties. This same power is implicitly given to the state legislature under the Wisconsin Constitution.

In 1818, while still part of the Michigan Territory, Wisconsin had three counties. At the time the Wisconsin Territory was created in 1836 we had six counties. Today, of course we have 72 counties, the last one having been created in 1961: Menominee.

Article IV, Section 23 of the Wisconsin Constitution originally required the legislature to create all county governments "as nearly uniform as practical". However a 1972 constitutional amendment deleted the uniformity requirement for counties. As a result, the legislature has legal authority to enact legislation specific to one county. The reforms in this bill specifically address problems solely in Milwaukee County.

So, ample authority exists for the enactment of the reforms embodied in this bill, namely to define responsibility and confer authority between the county board and county executive. Article IV, Section 22 of the Wisconsin Constitution clearly enunciates the state's role in establishing and revising county

board powers : “The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe”.

There is long standing precedent for the legislature to step in and make changes to county governance from time to time. In 1960, the legislature created the office of county executive and chapter 59 mandates that Milwaukee County elect a county executive. In 1965 the legislature changed the manner in which supervisors were chosen. The formula used up until that time had Dane County with a 90 member board. A 1969 constitutional amendment and subsequent statutes gave all counties the option of electing a county executive or appointing a county administrator. In 1987 the state mandated that counties without an executive or administrator must designate an elected or appointed county official as administrative coordinator. In 2011, the legislature created the independently elected Comptroller specifically for Milwaukee County.

AB85 continues the ongoing process the state legislature has undertaken to improve and reform county government. Like the comptroller bill approved last session, this bill was drafted to address problems unique to Milwaukee County and upon passage, will affect only Milwaukee County.

It is inarguable that the State **can** make these changes. Next, I’ll address why these changes ought be made and are needed **now**.

Up until the time the state legislature created the position of county executive in 1960, the county board ran the day-to-day operations of county government. Recognizing the problems caused when there are “too many cooks in the kitchen,” the state legislature created the county executive position. The intent was to vest the executive branch with responsibility for the day-to-day operations of county departments leaving the board to carry out policy making and budget writing duties. Unfortunately, the legislature left the job half finished by failing to clearly define or otherwise reconcile the relative powers and responsibilities between the two branches in state statutes. Over time, this has led to chaos and dysfunction in Milwaukee County government that hampers economic development and job creation and wastes money. This bill will codify the original legislative intent by clearing up the ambiguous or conflicting statutes.

Some may ask how this bill, if it applies only to Milwaukee County, is of statewide interest. Continued and sustained improvement in our state’s economy is dependent on a thriving Milwaukee County. Economic development and job creation add revenue to the state treasury. With an annual state appropriation of over \$51 million dollars, Milwaukee County receives more state shared revenue than the next 14 counties combined. A wasteful, ineffective and inefficient government in Milwaukee County hurts the entire state. Every Wisconsinite has an interest in being assured that tax dollars are being spent wisely and efficiently.

You may hear supervisors tell you they need all that money because Milwaukee County is a special case as the largest county in the state. Size alone ought not be the sole factor justifying the expense of a

government unit. Consider, for example, that while the county board in Milwaukee has 38 staff members and spends \$6.5 million annually on itself to serve 947,000 residents, county boards in Dane, Waukesha, Racine and Kenosha counties operate with just 10 total staff members and spend a combined \$2.8 million on themselves. Those four county boards serve 32% more residents with 73% less staff. Their collective budgets are less than one-half the cost of what Milwaukee County's Board of Supervisors spends each year. To most reasonable observers, there is something amiss that demands repair. AB85 ends the board's uninhibited spending by capping their budget and bringing it in line with other county boards around the state.

They will also say Milwaukee County is the most diverse county in the state; except Milwaukee County and Milwaukee Public Schools have similar-sized overall budgets, but the part-time MPS school board is more diverse than the full-time county board.

Opposing this bill, they will tell you that the county board should be left alone to enact reforms on its own. But history has proven time and again that the county board is unwilling to forgo their own personal interests, and incapable of addressing the type of reforms demanded by county taxpayers.

Real and meaningful reform of the Milwaukee County Board simply will not come about from within.

The infamous pension scandal that cost taxpayers hundreds of millions of dollars in obscene lump-sum retirement payments sparked a reform movement that has been underway in Milwaukee County for more than a decade. Multiple reports including a 2002 audit by the state Legislative Audit Bureau have all recommended governance reforms. Those calls for reform have gone unheeded

It is informative that significant public interest in and support for real reform exists among Milwaukee County citizens. In an April 2012 advisory referendum, twelve of nineteen communities in the county approved of county board reform by over 80%. Yet that advice has gone largely ignored. By the way, the county board refused to allow these questions of reform to be voted upon by all voters in Milwaukee County – it took the leaders of those twelve municipalities to put it on their individual ballots.

Others have travelled here today to testify about the impact of the current dysfunction on county government and the resistance that has been demonstrated time after time when real reform measures have been forwarded.

You no doubt will also hear a strong defense of the status quo. Those wed to the current structure will tell you that their strong resistance to reform from within is a thing of the past. They will point to a resolution approved last month to seek permission from the state to downsize the board on their own as turning a new leaf. But some of those same members who have suddenly found religion and who voted in favor of that resolution have stated publicly that they will never really support a reduction of the board. That is why the resolution did not contain a specific plan, but merely a "just trust us, we'll really do it this time" statement, along with a wink and a nudge. But the citizens of Milwaukee County have no reason to trust, they have been waiting long enough.

A few have even said the state should not be telling Milwaukee County what to do from Madison. But who other than the legislature can fix state statutes? And since county government is an agent of state government, the legislature has the obligation to take action and fix problems as they arise. That is why in 1998, the state stepped in and took over the county's broken child welfare program. In 2009, the state took over income maintenance administration from the county. In 2011 the separately elected Comptroller position was created. And late last year, the state was asked to step in and remedy serious problems at the county's psychiatric hospital. This bill is just another example of the state fulfilling its obligation to fix problems in Milwaukee County.

Finally, while it is well within the legislature's constitutional authority to do so, this bill on its own does nothing to change the level of representation citizens will receive from county government. By calling for a countywide binding referendum, this bill gives citizens in Milwaukee County similar ability to effectuate some type of change on their county government, an ability nearly every other county resident in this state has.

If the compensation of a board member is capped, and the job of supervisor in Milwaukee County is effectively returned to a part time position as it used to be, and as it currently is in every other county of the state, it will have been done so solely by Milwaukee County voters and not State Legislators.

Thank you for allowing me this opportunity to testify. I urge you to listen to those who have come to this hearing to talk about reform – many or most of whom are not part of any special interest group but simply want county government to be improved. In the name of responsive, efficient and accountable government, and on behalf of taxpayers all over this state, I urge you to vote in favor of AB85. I am happy to answer questions you may have regarding this bill.



Milwaukee County Board of Supervisors

Supervisor Russell Stamper II: AB 85

Testimony on Assembly Bill 85
Committee on Government Affairs and State Licensing
Rep. August, Chair
April 10, 2013

Good morning, Chairman August and Committee members. My name is Russell Stamper II. I am a newly elected County Supervisor who represents the residents of the 5th District on the north side of Milwaukee. As one of the seven new members of the Board, I'm here to offer brief testimony against AB 85. This legislation would reduce the powers and compensation of the legislative branch and greatly increase those of the executive branch in Milwaukee County. By limiting the authority of elected officials in the legislative branch to properly govern, it strips away public accountability.

I have heard supporters of AB 85 say that the bill is the ultimate in local control because the voters will decide through a binding referendum whether the Board should be paid less. However, simply put, the referendum in the bill is a sham. Major provisions of the bill, including the consolidation of power in the office of the County Executive and cuts to the legislative branch, are not included in the referendum question and will never go before the voters. To be clear, under AB 85, the residents of Milwaukee County will not actually be voting on whether or not Supervisors should be part-time or full-time because that is not the question that the bill mandates. Why not ask the voters whether they approve of all the provisions in the entire bill? Further, one must ask why the bill requires that this binding referendum be placed on the ballot in the spring election rather than the fall election with far greater voter participation.

Moreover, the bill prohibits the County Board from scheduling a referendum to run concurrently. Due to that provision, we won't be able to ask voters to consider reform possibilities such as whether or not they would be interested in having a Board with fewer Supervisors. The only question before the voters would be one on legislative pay. Please ask yourselves how a referendum to reduce any legislator's pay would fare on the ballot anywhere in this country. Let's say there was a state-wide referendum on the compensation of State legislators. How do you think the voters would respond to cutting state legislators' pay?

And that's just one problem. Having read the bill, you know that this legislation is more than an effort to reduce the pay of local legislators. This bill seeks to make fundamental changes to the governance structure of Milwaukee County. Powers and duties long performed by the elected legislative body in Milwaukee County, and in other counties throughout the state, would be shifted to one individual. Who asked for these changes, and why aren't they included in the

proposed referendum question? Adoption of this bill would set all these changes in motion without any input from the very residents they would affect.

If approved, the bill would limit the County Board's budget to no more than 0.4 percent of the county portion of the property tax levy. With this provision, the State Legislature would set the budget for an independent local department. If that's not the essence of micromanaging, Mr. Chairman, I don't know what is. Even worse, this 0.40 limit would go into effect January 1, 2014, regardless of the outcome of the proposed referendum. So even if the residents vote to reject the referendum mandated by AB 85, legislative oversight powers still would be stripped, the legislative budget still would be reduced, and the powers still would be consolidated into the Executive office. However, this is not a battle over who has more power. It is about transparency and access to information for the public. The more you strip authority away from the legislative branch the less information the public has. The result is a less transparent process and reduced accountability.

The County Board has been downsizing. Over the last decade, it has reduced the number of Supervisors by seven to 18. It is now 20 percent smaller than the average County Board in Wisconsin, and our Supervisors each represent over 15 times more constituents than an average County Supervisor in the State of Wisconsin. As Chairwoman Dimitrijevic already has shared with you, the reform continues.

As a 2003 Greater Milwaukee Committee report stated, a part-time Board would decrease representation, a decrease which would be felt most by our highest-need districts. Mr. Chairman, I represent one of those districts. My constituents need resources and depend on services, and they rely on me, as their elected representative, to help them. As an elected official, it is my duty to responsibly represent the interests of my community. This bill would hinder my ability to perform my duties.

In the end, this bill does more than reduce the power of the legislative branch of Milwaukee County. It shifts an awful lot of power away from the people and into the hands of one individual. Passage of this bill would make the Milwaukee County Executive the most powerful County Executive in Wisconsin. Wisconsin has a rich tradition of allowing local governance to be decided at the local level. Local control is a good policy and one that should continue in Wisconsin. The residents of Milwaukee County should be given the opportunity to weigh in on all of the changes proposed.

This legislative body is moving to unilaterally change the governance structure of Milwaukee County. We have heard it's because of problems in Milwaukee County. Yes, locally we sometimes have some disagreements on what is best for our constituents and how to allocate resources. But that is a natural function of a healthy democracy. This bill would move us away from democracy and toward a dictatorship. It does nothing to create efficiencies in service delivery, but rather provides unchecked authority to the County Executive.

Therefore, I ask you not to support this bill. Instead of moving this bill forward, let Milwaukee County residents engage in more thoughtful conversations on this subject, like we are currently doing, so we can collectively determine what is best for Milwaukee County.
Thank you for your time.



Milwaukee County Board of Supervisors

Date: April 10, 2013
To: Representative Tyler August, Chairman
Members, Committee on Government Affairs and State Licensing
From: Supervisor Theodore Lipscomb, Sr., Chairman, Committee on Intergovernmental Relations
Re: Assembly Bill 85/Senate Bill 95

Thank you, Chair August and Committee members for allowing me to testify today. I am Supervisor Theo Lipscomb. The 1st District includes all of Bayside, Brown Deer, Fox Point, Glendale, River Hills and a portion of the Northeast side of Milwaukee.

Many people who support this bill say that we need to make the Milwaukee County Board of Supervisors like other County Boards around the State of Wisconsin. Others, like myself, argue that in a County where one out of six Wisconsinites live, and many sports and cultural facilities are located, the County Board should not necessarily be the same. The question is, whether this 23-page piece of legislation makes us more like other counties or whether it treats us differently. Let's look at a few of the provisions.

This bill will create an exception to the broad administrative home rule authority granted counties. The exception applies only to counties with a population greater than 750,000 (Milwaukee County.) In general terms, the new statute limits the Milwaukee County Board in the following manner as compared to other county boards throughout the state:

- (a) Every intergovernmental agreement must be approved by the newly-created executive council, comprised of elected officials from municipalities within Milwaukee County, before taking effect.
- (b) The Milwaukee County Board may not create any department or subunit of a department.
- (c) The Milwaukee County Board may not lower the salary or benefits of, or eliminate the position of, any employee in the county executive's office unless the proposed measure equally impacts all other county employees.

This bill also changes current law that provides a county board to exercise the following authority:

Take and hold land acquired under [ch. 75](#) and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways, dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits, equipment for clearing and draining land and controlling weeds, ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in [s. 23.09 \(2\) \(d\)](#).

AB 85 modifies this authority for Milwaukee County by transferring the powers enumerated to the county executive, subject only to a confirmation vote from the county board.

This bill changes county board supervisor compensation. Under current law, a county board may set compensation for its members in a variety of ways. There is no limitation on the amount of compensation a board may set for its members. AB 85 caps Milwaukee County Board Supervisor compensation, other than the Board Chair and Finance Chair, at Milwaukee County's annual per capita income. AB 85 also caps the amounts by which a board supervisor's compensation may be increased for Milwaukee County. Finally, AB 85 limits a Milwaukee County Board Supervisor's ability to participate in fringe benefit programs, which limitation does not exist for other counties.

Under current law, a county executive enjoys no statutory right to call a special meeting of the county board. AB 85 would provide the Milwaukee County Executive with the authority to call a special meeting of the Milwaukee County Board with the approval of the board chair.

Under current law, any county executive appointment is subject to county board confirmation without any time limitation as to when the confirmation vote must occur. AB 85 requires the Milwaukee County Board to hold a confirmation vote within 60 days that an appointment is submitted for confirmation.

AB 85 creates a special active and review process for the Milwaukee County Board's Finance Committee. No other county has a special process for approval of contracts.

Under current law, there is no express limitation on a county board's ability to budget and appropriate sums to support county board operations. AB 85 expressly limits the Milwaukee County Board's budgetary authority such that the board may not appropriate more than 0.4% of the county's portion of the tax levy to support board operations, as further defined in the proposed s. 59.60(7e).

Under current law, a county itself (as opposed to a governing body or officer) is identified as the "municipal employer" under the Municipal Employment Relations Act. AB 85 would define the Milwaukee County Executive as the municipal employer. Unlike other counties, the Milwaukee County Executive would enjoy broad power to negotiate and enter into collective bargaining agreements without county board involvement.

So, as you can see, this bill treats Milwaukee County decidedly different than all other counties while the proponents of this bill argue that it is to make it more like other counties. As legislators, I hope that you appreciate that this bill is a heavy handed approach to change the governance structure for just one county. And the irony is that the supporters of this bill say it is necessary because we micromanage day-to-day-operations. Isn't this bill a micromanagement of just one county? If you believe that this is not a problem in other counties, then this bill should apply to all counties that employ a County Executive form of governance.

Mr. Chairman and committee members, I ask that this bill be defeated and instead allow the elected representatives of Milwaukee County to decide what changes they want. If we don't get it right, the voters will let us know.

Thank you for this opportunity to speak today.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE JOE SANFELIPPO

FROM: Laura Rose, Deputy Director

RE: Milwaukee County Board and Milwaukee County Executive Access to Corporation Counsel Services

DATE: April 10, 2013

You asked whether the Milwaukee County Board and the Milwaukee County Executive have equal access to the services of the Milwaukee County Corporation Counsel. Based on a review of the statutes relating to the appointment and responsibilities of the corporation counsel in Milwaukee County, both the board and the county executive have equal access to the services of the Milwaukee County Corporation Counsel.

The office of the Corporation Counsel is in the unclassified service. The corporation counsel is appointed by the county executive. A majority of the county board must concur with the appointment. The county executive may dismiss the corporation counsel at any time, but only with the concurrence of a majority of the members-elect of the board. In addition, the board alone may dismiss the corporation counsel at any time, by a majority vote of the board. The county executive may veto an action by the board to dismiss the corporation counsel, but the board may override the veto by a two-thirds vote of the members-elect of the board. [s. 59.42 (2), Stats.]

The statutes outline the duties of the corporation counsel, and nowhere do the statutes state any priority of access to the corporation counsel's services for either the county executive or the county board. The duties of the corporation counsel are, without limitation because of enumeration, to do the following:

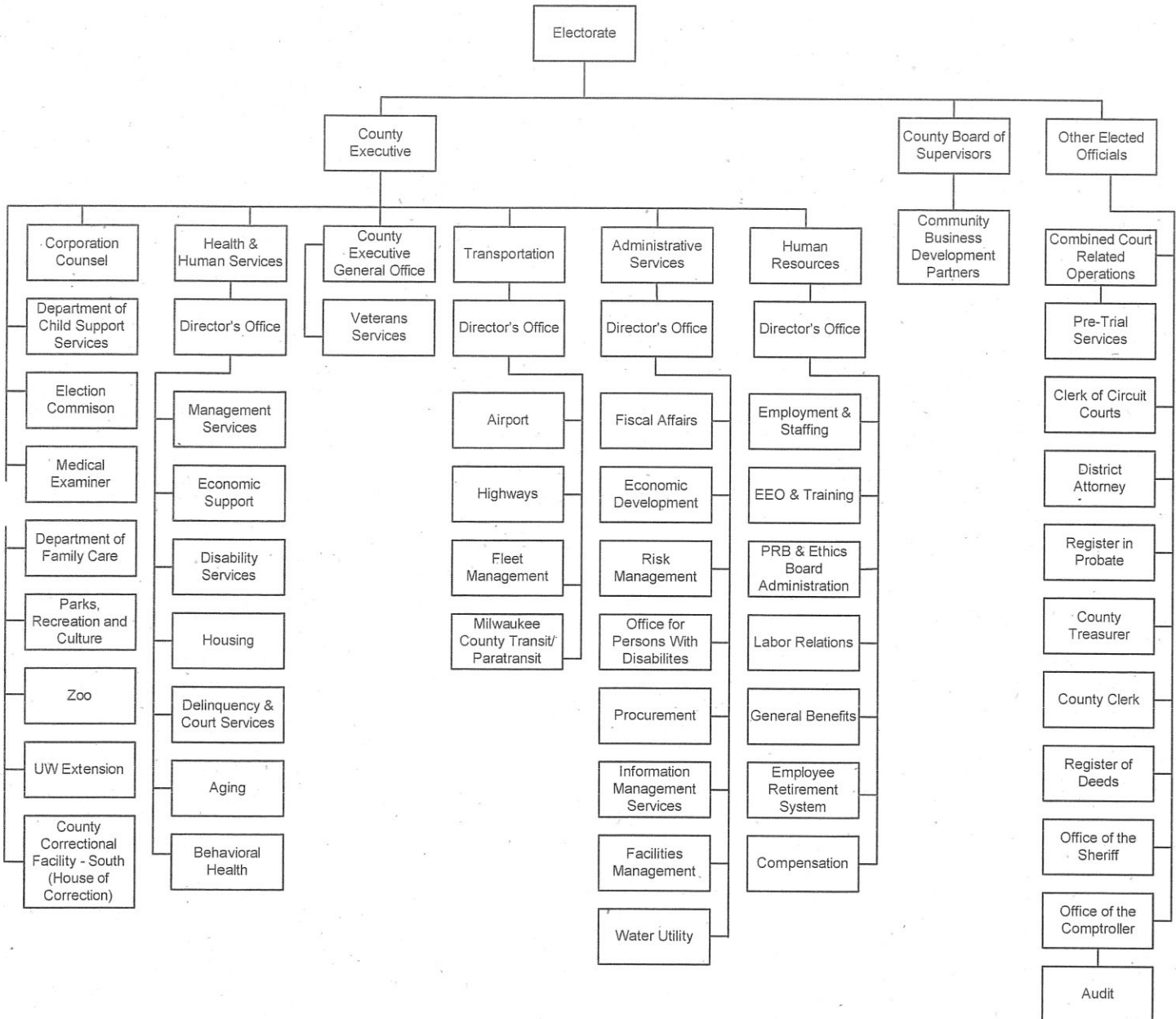
1. Prosecute and defend all civil actions, proceedings, applications, and motions in any court, commission, board, tribunal, or body in any jurisdiction of this or other states or of the nation in which the county or any board, commission, committee, or officer of the county is interested or a party by virtue of the office. The corporation counsel must also represent or assist in representing the state, or any state commission,

board, agency or tribunal, in such civil actions or proceedings when requested to do so by the Attorney General or when the county district attorney is required by any statute to do so.

2. Give advice to the county board, park commission, department of social services, and other county departments, boards, commissions, committees, agencies, or officers, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of these county entities.
3. Examine all claims against the county for officers', interpreters', witnesses', and jurors' fees in civil actions and examinations, when presented to the county board of supervisors, and report in writing as to the liability of the county for all claims filed against it.
4. Act as legislative counsel for the county board of supervisors when so authorized by the board.
5. Serve as legal adviser to the county highway commissioner and county highway committee, draw all papers required in the performance of their duties and attend to all civil legal matters in and out of court where the commissioner or committee is a party, or where the acquisition of lands for state or county highway purposes is concerned.
6. Perform all duties in connection with civil matters relating to the county or any county agency, board, commission, or officer, or relating to the state within the county that are imposed by any statute upon the county district attorney. Based upon this provision, the term "district attorney," wherever it appears in the statutes relating to duties of a civil nature shall, for Milwaukee County, mean the corporation counsel. Opinions of the corporation counsel have the same force and effect as opinions of the district attorney except that in matters relating to elections, the district attorney has the right of review. The corporation counsel may request the Attorney General to consult and advise with the corporation counsel in the same manner as it does with district attorneys.
7. In Milwaukee County, review and countersign all contracts to verify that the contracts comply with all statutes, rules, ordinances, and the county's ethics policy.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LR:ksm





BOARD OF SUPERVISORS
MARINA DIMITRIJEVIC
COUNTY BOARD CHAIRWOMAN

TESTIMONY BY MILWAUKEE COUNTY BOARD CHAIRWOMAN MARINA DIMITRIJEVIC

BEFORE THE ASSEMBLY COMMITTEE ON GOVERNMENT OPERATIONS AND STATE LICENSING

Thank you Chairman August and members of the Committee.

My name is Marina Dimitrijevic, and I am the Chairwoman of the Milwaukee County Board.

I appreciate the chance to speak with all of you on this bill, which will affect Milwaukee County governance for generations to come.

I am here to testify on behalf of the County Board in opposition to Assembly Bill 85.

It is a new day on the Milwaukee County Board. A new day represented by seven new supervisors – including two elected just last week – and a Board chair who has been in the position for only about a year. A new day represented by a new attitude toward openness and transparency in Milwaukee County government. This new board presents a perfect opportunity to reform ourselves.

We face many issues in Milwaukee County. Poverty. Infant mortality. Joblessness. A crumbling infrastructure. A mental health system in almost constant turmoil. But rather than being allowed to address those issues, the County Board is faced with a fight to maintain the proper representation needed to afford a voice to those we serve.

AB 85 would make drastic changes to the Board without listening to the voices of Milwaukee County residents. It is clear the Assembly is interested in moving this through the Legislature with alarming speed, and all Milwaukee County residents, in fact all statewide residents should be concerned as Wisconsin takes pride in their local representation at the level closest to them.

If enacted, the bill would not only weaken the legislative branch, it would consolidate power into the County Executive's office. This dangerous piece of legislation is an unprecedented threat to the very idea of local control and yes, democracy. As you can understand we are deeply concerned about this bill. It's about Madison imposing its will on a local community without the input of the community itself.

I've heard that we on the Board will never change. But make no mistake. This Board wants to work with Milwaukee County residents to look for ways to reform county government. We ARE working with *local* residents to create realistic reform in County governance, and we would like to work with you, the Legislature. As the Chairwoman of this Board, I am letting you know we *will* enact major changes. But trying to circumvent any of our efforts by passing legislation that forces so-called reform without that local community is no way to run government or implement policies that actually create reform. A bill that mandates changes without local buy-in will never be successful. The opposition to this legislation is driven by a desire among our constituents to be part of this new era in County governance. I had hoped

that a hearing on AB 85 would be held in Milwaukee County, but I see a large contingent of people from the area have come to testify in spite of the time and distance involved. That shows the appetite for change on the local level.

But we have to accomplish reform together. Rep. Sanfelippo and I have had some meaningful discussions lately about how to govern. We just may not agree on it. But I do challenge the Committee to think about how the items in his bill, if they were to apply to the Legislature, would hinder your ability to represent your constituents.

As part of our reform efforts, we've initiated "OUR" Milwaukee County listening sessions to determine what residents want from County government. The overwhelming response of hundreds of people at our sessions is that if there is to be any change, it should be made locally.

This initiative creates a dialogue for everyone who wants to be represented in the discussion on how to reform county government. Because the answers for county-wide government reform will not come from a single person or a small group. They won't come from a single branch of government. They certainly won't come from Madison. They will come from the people whose lives are affected by county government each and every day, the people of Milwaukee County.

The word "OUR" of Our Milwaukee stands for "Outreach for Unified Reform." The word outreach means we're reaching out to everyone with a stake in county government, the word unified means we're all working toward a common goal, and the word reform means that our common ground is the most efficient delivery of services and the most effective use of our shared county resources.

The fact is, the County Board matters, and our constituents care deeply about it. The number of people in this room testifies to the passion Milwaukee County residents feel about County governance. During several "OUR Milwaukee County" sessions in which hundreds have testified, the vast majority do not want to see this bill passed. They do not want to see change imposed on a local government by the state. And they want to be part of the reform process that is taking place on County governance, **LOCALLY**.

The County touches their lives every day. Whether they're travelling county highways, flying out of Mitchell International or Timmerman, visiting the Milwaukee County Zoo, our parks, or even getting a marriage license, Milwaukee County is part of the lives of thousands of people on a daily basis.

Let me list just a few of the operations the Board provides policy direction to. There is our Transit system, which is key to getting people to their jobs and the many recreational activities offered in Milwaukee County. There is our world-class Parks system, which includes hundreds of acres of green space and professional caliber golf courses.

There is the mental health system, which provides care to chronically mentally ill patients and is especially critical to their families who need assistance.

We agree the Board should not manage the day-to-day operations of these departments. But the Board does provide the public access and accountability to these services. This bill weakens the Legislative branch, stifles the people's voice in county government, and consolidates power in the County Executive's office.

For example, the legislation includes what has been called a protective clause for the County Executive's office. While the Legislative branch's budget is being slashed, the County Executive's

budget is protected and may not be reduced. In addition, as addressed by a Legislative Council memo, the bill strips away management and supervisory responsibilities from the department heads. I don't know what administrators in the private sector would want to work under conditions where they have no authority over those who work for them. It also creates an authoritarian central power that could make county employees less productive and fear the chain of command.

The bill gives the County Executive a role in calling a meeting of the Board. Which other executive in state or local government has that ability?

Meanwhile, the bill will eliminate about 70 percent of Board staff, ensuring the Board has no staff to provide as counsel and allowing the county executive to be the bearer of all information including but not limited to drafting legislation.

The claim by supporters of this bill is that the measure will help cut costs brings up two issues: First, if the measure is designed to cut costs, why cut from only one department that makes up only .5 percent of the County budget?

Second, the bill singles out Milwaukee County by tying supervisors' salaries to the median household income of the County, or about \$24,000. No other municipality or county in the state has its legislative branch salary tied to median county income. Does this mean that elected officials in more wealthy communities should be compensated more?

Additionally, it imposes a spending cap of .4 percent of the County tax levy on Board expenses. Again, in which other county or municipality in Wisconsin has the Legislature imposed a cap on spending by the legislative branch? If this were applied to Waukesha County the board would have to cut their budget by 60 percent.

Proponents of this bill say it puts Milwaukee County in line with the other 71 counties in the state. But in fact, it takes Milwaukee County out of line with the rest of the state.

This isn't about personalities or those currently occupying the respective offices. This isn't a partisan issue. This is about the future of Milwaukee County residents and their ability to govern themselves regardless of who the players are. Local reform is possible – we are in the process of making it on the local level – but it needs to be thoughtful, not arbitrary, and not imposed by the state.

A recent poll by Marquette University's Charles Franklin indicates a 48-48 split between those who want a full-time and those who want a part-time County Board. That is not a call for state imposition of a state mandate. That is a call for more local decision-making.

How can the state impose its own "reform" work when the community is not asking for it and all stakeholders are not working on it together? This indicates there should be open and honest dialogue on a local level.

Supporters of this bill, specifically Rep. Sanfelippo, say this bill is aimed at fixing what they view as "dysfunction" on the Board. What exactly is meant by dysfunction? The democratic process is always a bit messy, as you know. Disagreements between elected officials and debate on issues is a part of the legislative process. It is incumbent on those in office to try and find a way to work together. If the people don't like it, they have elections to work it out.

The County is working well. Our parks are in great shape. The County has an AA+ bond rating. We have a surplus. Our transit system, which has suffered substantial funding cuts by the state, is still doing its best to get people to their jobs. And through Board action an agreement was made between the War Memorial and the Milwaukee Art Museum to commit \$15 million in repairs and improvements to the facilities and grounds.

That's not dysfunction; that's effective government.

The Board has made progress toward reform. It has downsized itself from 25 to 19 to 18 in recent years, more than 25 percent, bringing the size of the Milwaukee County Board below the state average.

This bill, quite simply, is a move to consolidate power into the County Executive's office.

To those who say the board has had ten years to reform itself, I say this: The reforms we will propose ourselves are real and will continue. They will be generated locally and will be put in place. This means that not only is the bill a dangerous impingement on local government, it is a moot point.

This is, for all intents and purposes, a new board with a new way of doing things. We believe in transparency and open government.

It is a new day at the Milwaukee County board. New leadership. New members. And a new attitude. Our state statutes dictate that the counties shall have home rule in regard to self-governing.

This is about nothing less than self-government. I ask you to vote against AB 85. By doing so you are not opposing reform. A vote against this bill is a vote for *local* reform.

There is no best practice and one way to reform. There is no model. The best practice is to let local governments self-govern.

That's what every other county in the state does.

Thank you.

DATE: April 10, 2013

TO: Representative Tyler August
Chair, Committee on Government Operations and State Licensing

RE: 2013 Assembly Bill 85

I write to express my support for Assembly Bill 85.

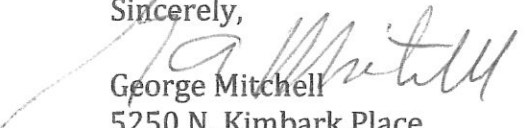
AB 85 redefines the role of the Milwaukee County Executive and Board of Supervisors. It increases the Board's role in setting policy and reduces its involvement in managing county departments. The bill's provisions would take effect only if approved by Milwaukee County voters.

While the need for reform of the county's governance repeatedly has been identified, the county has resisted meaningful action. This dates to 1960, when the position of county executive position was created. Indeed, from day one the title "County Executive" has been a misnomer. A better description, provided by Franklin Mayor Tom Taylor, is that Milwaukee County has nineteen "executives."

I experienced this first-hand in the early 1990s. As Director of Public Works, the resources under my "control" largely were focused on the monthly cycle of County Board committee meetings. Three standing committees effectively had jurisdiction over the Department, with final say over a wide range of administrative decisions. To illustrate, for one two-month period I assembled the paperwork that the Department prepared for review by the Board. The result was a pile nearly two feet high. Demonstrating the routine nature of the items, not a single issue warranted prior review by the actual County Executive.

Many supervisors dispute that they are too deeply involved in day-to-day management of county departments. This is understandable. From the day they take office they are immersed in the current system. For most, the fact that "We've always done it this way" is evidence enough that it makes sense. Yet to my knowledge, every group that independently has reviewed the county's governance structure has found it deeply flawed. As one example, I attach an excerpt from a 1996 report from a panel chaired by the former CEO of Johnson Controls. Legislators might be interested in the report's comparison of the role of the Legislature and that of the Milwaukee County Board.

Sincerely,



George Mitchell

5250 N. Kimbark Place
Whitefish Bay WI 53217

M I L W A U K E E C O U N T Y

C O M M I S S I O N

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C E N T U R Y

July, 1996



c o m m i s s i o n m e m b e r s

James H. Keyes, Johnson Controls, Inc., Chairman

John W. Daniels, Jr., Quarles and Brady

Thomas J. Fischer, Arthur Andersen

Daniel F. (Jack) McKeithan, Jr., Tamarack Petroleum Company, Inc.

Candice Owley, Wisconsin Federation of Nurses and Health Professionals

Kathleen Ryan

H. T. Richard Schreyer, Ernst and Young

Barbara L. Ulichny, Ameritech

Essie Whitelaw, Blue Cross & Blue Shield United of Wisconsin

c o m m i s s i o n s t a f f

Robert Milbourne, Greater Milwaukee Committee

Peter Beitzel, Metropolitan Milwaukee Association of Commerce

Jeffrey Browne, Public Policy Forum

William Ryan Drew, Milwaukee County

David Meissner, Public Policy Forum

Jenann Olsen, Consultant

Molly Schneider, Milwaukee County

CHAPTER 3. MILWAUKEE COUNTY GOVERNANCE

Governance and structure are critical to the success of any organization. In creating the Milwaukee County Commission for the 21st Century, County Executive Ament directed it to review the current governance structure and the relationship between the executive and county board.

In carrying out this review, the commission concluded that significant issues must be addressed by the executive and board to create a more effective governance structure. This chapter describes these issues and recommends changes in the current governance structure. We are encouraged that the executive identified this issue for evaluation and that the new chairman of the board has directly addressed the need to examine and reform the board's operations and its relationship with the executive.

An overriding issue is that responsibilities of the county executive and county board are ill-defined, creating a vacuum of accountability. Distrust and rivalry often overshadow the constructive tension expected between independent branches. An exaggerated tug-of-war has produced a bureaucracy enmeshed in its own rules and those of the board. The result is diminished service quality and unnecessary taxpayer cost.

Confusion over roles of the executive and board is the result of unfinished business dating back to 1960, when the position of executive was created. Prior to 1960, the board was the central point of policy-making and administrative oversight. When the executive's position was created, new roles and responsibilities were never clearly defined. In effect, county government operates with two executive branches.

Fundamental Changes Needed

What is required is an alliance for major, creative change between the executive and board. Otherwise, talk of change will not be accompanied by sufficient action. Officials must engage in the full debate about governance which should have occurred in 1960. They need to choose between two basic options:

1. Retain the county executive and empower it as a truly independent branch of government.

Make the board responsible for setting policy on its own initiative or in response to the executive.

Make the executive clearly responsible for implementing policy.

2. Eliminate the county executive.

Give the board responsibility for setting policy. Replace the executive with a non-elected county administrator, reporting to the board, for policy implementation.

Experience from jurisdictions around the country indicates that either option can work. What now exists in Milwaukee is neither. While the county appears on paper to operate under the first model, a closer look reveals many attributes of the second. The result is a muddle. Authority and responsibility are ambiguous, so accountability and performance suffer.

Would Milwaukee County really return to a structure that did not include an executive? While such a change is not recommended, a debate would be healthy. Two respected observers of county government (former Supervisor James Ryan and Treasurer Tom Meaux) independently presented information in support of eliminating the executive. Their ideas reflect a thoughtful assessment of current problems.

To quote Treasurer Meaux, "Currently, we have two independent, elected forces—one executive and 25 board members, oftentimes pulling in separate and incompatible directions at the taxpayers' expense."

Former Supervisor Ryan stated, "The structure of Milwaukee County government has evolved in specific ways that frequently thwart a unity of purpose."

This report recommends an approach that would retain the executive's position and empower two independent branches of government. As the recommendation explains, for the executive's position to be retained and be effective, decisions are needed to define and strengthen it. On paper there is an elected, independent executive. In reality, the board has not ceded sufficient authority to carry out that concept.

Resolving county governance issues is central to all of the commission's recommendations. Throughout this report, we urge a major change in the way the county delivers services. It involves a different way of deciding which services are essential and how they best can be delivered. It is a results-oriented approach, where managers are accountable for the quality and

efficiency of services they administer. This cannot occur under the current governance structure.

The only bias in these ideas is toward improved service delivery. The recommendations do not anticipate reduced standards of quality or assume that privatization is best. Rather, the message is that current staff should be challenged to use their expertise to do things more effectively and, where appropriate, to transfer that responsibility to others when improved service delivery would result.

While governance reform is central to the commission's proposals, the correct structure is not an end in itself. Rather, it is a means to an end—an efficient and accountable way to deliver the taxpayer-financed services which county officials believe should be provided.

Reluctance to Change

Historically, Milwaukee County has been slow to make major change. Years after creation of the executive's position, leaders on the board worried about a reluctance to make "any change in the present antiquated system." (From "A Case for Change," a report issued in the late 1960s by the then-chairman of the board and two other supervisors.)

Decades later, as a new century approaches, the resistance to change must be acknowledged and overcome. Treasurer Meaux cautioned that a major roadblock will be the response so common in county government: We can't make any changes because we have always done it that way.

Members of the commission recognize that the elected leaders of Milwaukee County want to run an effective government. They have demonstrated their commitment to improve county operations and be accountable. The concerns of the commission are not a negative reflection on elected or appointed public officials. The commission is not alone in its concerns about the county governance structure. In fact, the concerns were echoed by dozens of current and former county officials and employees with whom we spoke. Major elements of this report grow directly from concerns heard from county employees. This underscores the need for change.

The major changes called for in this chapter primarily involve the county board. The board should elevate its activities and concentrate on the pre-eminent role of setting overall policy for the county. The board cannot

effectively do this if it does not shed its detailed, ongoing involvement in administrative oversight.

Some supervisors might see our focus as unduly critical of the board. However, a much different interpretation is warranted.

Specifically, we propose a much more visible and significant role for the board. This includes a substantial increase in its review of the executive's annual budget proposal.

It further assumes a major policy-making role in areas where the county has been largely silent, with one of the most important being transportation. The absence of a clear transportation policy has contributed to a stalemate on several key issues affecting the East-West Corridor Study. These issues are critical to the future of Southeastern Wisconsin. For them to be resolved in the next year, a clear county leadership role is essential. It is on matters such as this that supervisors should focus their attention, working with the executive.

Taxpayers will support bold change, with leadership from the county executive and newly elected board chairman. We are encouraged by the executive's creation of the commission and his urging that it be provocative, with no subject off limits. We are also encouraged that the board, with leadership from its new chairman and other supervisors, has moved to streamline some activities.

The new board chairman's leadership has been reflected in several ways. A high-level group of supervisors has been named to focus on the board's most important role, that of setting policy. Consistent with this, the new chairs of several board committees have signaled a desire to pare down the administrative items which historically have dominated agendas and crowded out the discussion of true policy. Further, there have been discussions of reorganizing the board's staff to emphasize a more professional structure and approach to policy development and oversight.

These are encouraging signs. We emphasize, however, that the type of change needed is major and fundamental. It will be resisted. It remains to be seen whether the board will transfer the authority and responsibility to the executive which enable each branch to carry out their important roles. A tangible and significant measure of this will be to compare

recent agendas of board committees with those in place a year from now.

Three examples illustrate positive results which can occur when there is leadership and a real commitment to change, even when many observers initially doubt its feasibility or necessity.

In 1991, a small number of supervisors conceived a plan to change the governance and financing structure of the Milwaukee Public Museum. Skeptics said it would not work and might imperil the institution's future. The plan was approved in 1992. The result is a stronger institution, with accountability to elected officials and, at the same time, more independence. The county's tax contribution has declined in real terms. Millions of new private dollars have spurred a major expansion—the new IMAX theater—and a major partnership with another facility, Discovery World.

In mid-1991, county finance officials forecast a \$60 million increase, about 14 percent a year, in the property tax levy by 1994. However, in setting the 1992 budget, elected officials resisted the inevitability of such increases. Then, during the 1992 campaign for county executive, the current incumbent pledged to keep tax growth roughly in line with inflation. Skeptics in and out of county government, citing factors such as unfinanced state mandates, said it could not be done. By 1994, the executive and board had kept growth in the tax levy to about \$8 million, or less than 15 percent of the increase projected in 1991. Even with added levy increases in 1995 and 1996, the current county levy is more than \$30 million less than the level which had been projected for 1994.

While reduced county financing for the arts has been a casualty of difficult financial times, there have been important improvements in the governance and management of the process. Ten years ago the county established the Cultural, Artistic and Musical Programming Advisory Council (CAMPAC). Initially, there was a cumbersome, unproductive process for reviewing and re-reviewing proposals to assist specific organizations. In recent years, elected county officials have stepped back from the detailed examination of individual proposals and have delegated primary authority to CAMPAC members for carrying out this task. Final review and approval still rests with the county board, but its delegation to and trust in CAMPAC have produced a much streamlined process.

Consequences of Current Structure

The positive achievements cited above can become more the rule and less the exception. They occurred in spite of a governance structure which often causes important decisions to be poorly made, unduly delayed, or simply avoided. Service quality has suffered. Valuable time and tens of millions of dollars have been lost or inefficiently used. Examples:

- Years of delay in completing and finally adopting the airport master plan.
- Even more delay—eleven studies over two decades—and tens of millions of dollars in avoidable losses, before making a decision on the future of Doyne Hospital.
- Costly and avoidable clashes during the implementation of the new jail's computer system.
- Considerable confusion and time-consuming acrimony over the power plant sale.
- A poorly managed child welfare system which has prompted a state takeover.
- Delays and unnecessary infighting in the development of the research park.

Some county officials and staff will not agree that these examples demonstrate governance problems. In fact, some will feel that substantial board involvement in such issues is necessary to prevent or ameliorate problems. And, of course, there are cases where the board's review of an issue has led to desirable changes.

Ultimately, however, a balancing test must be applied—do the benefits of the current structure outweigh the liabilities? Among the members of this commission, among a wide range of county employees with whom we spoke, and among many independent observers of county government, the answer decidedly is no.

The net impact of the current governance structure is negative. This impact extends beyond the county's handling of such specific issues as cited above. A negative mindset, almost a bunker mentality, characterizes the approach of many departments and their managers. As described to the commission by one of Wisconsin's most accomplished public managers, this "gotcha government" syndrome stifles innovation and creativity. Many managers view the penalty for making a mistake as far greater than the

reward for a significant breakthrough. This is the most serious consequence of the current system.

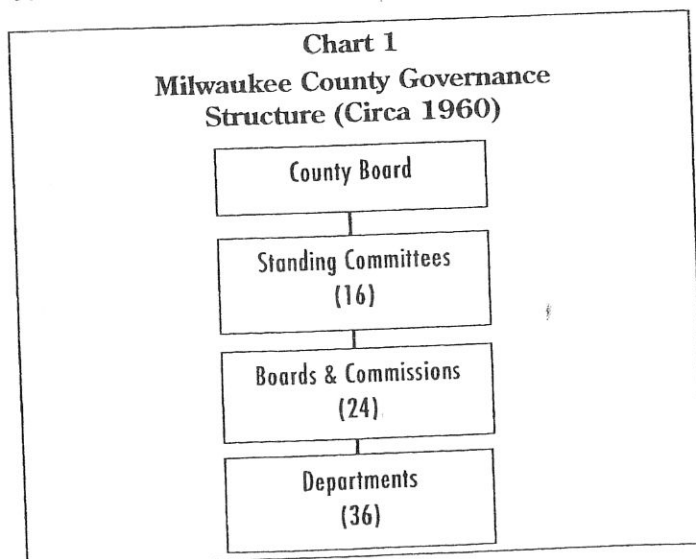
Historical Background

The roots of Milwaukee County government pre-date Wisconsin's statehood in 1848. In the decades that followed, many changes in county government occurred. These continued into the 1900s.

A central purpose of Wisconsin counties is to serve as administrative agents of the state in carrying out certain functions. In recent decades, the most significant of these have involved social services, welfare administration, and juvenile and adult criminal justice. Unlike cities, villages, and towns, counties have fewer home rule powers and are greatly affected by state (and federal) decisions which often are unilaterally made.

Historically, and today, the central role of the board and its committees is an important factor in the governance structure of the county. Prior to creation of the position of executive, departments reported to county board committees, directly and/or through citizen boards or commissions. "Individual supervisors, because of their relationship to [department] administrators, . . . became substantially more influential than the board as a collective entity." What emerged was "a disjointed confederation of operational departments, each functioning independently."¹

By the late 1950s, the growth and proliferation of county departments reached the point where 36 separate organizational units existed. Policy and administrative oversight came from a combination of 16 board committees and another two dozen citizen boards or commissions. Chart 1 is a simplified illustration.



This unwieldy structure prompted calls for a better method of administrative coordination. It culminated with the legislature's 1959 actions authorizing the position of executive, followed in 1960 by local action formalizing this step. However, this was not accompanied by a clear understanding of how responsibility and authority would be divided between the executive and board. One reason is that the implications of the new position concerned many supervisors:

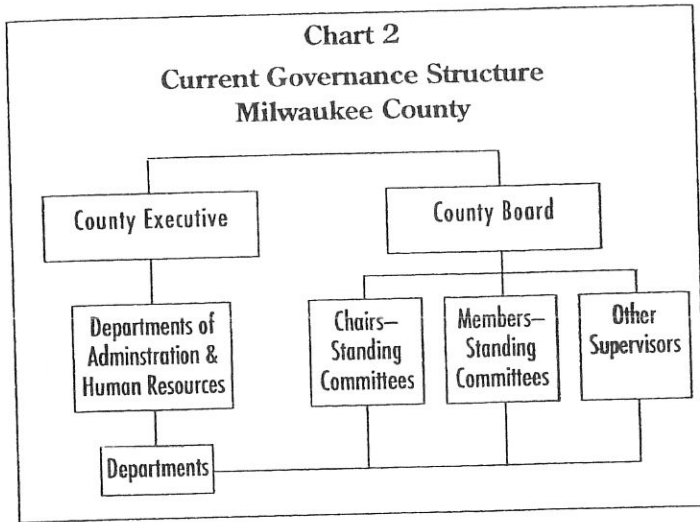
"Almost from the beginning...elements within the board had second thoughts concerning the... control" which they might have in relation to the executive. As a result, while a majority of the board supported creating the position, "it envisioned a legislatively oriented executive position."²

In the years shortly after the executive's position was created, key supervisors acknowledged a reluctance to discuss and make significant change. In a "A Case for Change," Board Chairman Nowakowski, and Supervisors Nagel and Tabak complained that "...the county board has failed to conduct a comprehensive look at itself." Labeling this "don't rock the boat-ism," they complained of the board's "...reluctance to any change in the present antiquated system..." They proposed a study of modernizing operations, claiming that "...functions of the county board and some of its commissions and boards are a study in contradiction and confusion." Records indicate little came of the idea; the last recorded action was in 1970, when a committee laid the matter over for special meeting at the call of the chair.

In succeeding years, the executive and board have sought to strengthen their respective positions. In doing so, the overall ability of the county to act decisively has been weakened. A de facto tug of war clouds rather than clarifies the responsibilities of each branch. The executive properly has increased its authority over operating departments and strengthened its use of the budget to provide direction for county government. But the board has acted in ways which have the effect, and perhaps the intent, of countering the executive.

Wisely, the board eliminated most quasi-independent boards and commissions which oversaw key departments. However, the board has increased its power to review numerous administrative actions normally delegated to the executive branch.

The result, depicted in Chart 2, is a structure at least as unwieldy as that which prevailed in 1960.



Micro-Management—"A Way of Life in County Government"

During this commission's deliberations, a well-known and widely respected official who directed a county department for several years described the situation as follows: "Micro-management is a way of life in county government." This concern was echoed forcefully by Treasurer Meaux, who told the commission, "Milwaukee County government has a fatal flaw: too many bosses."

Micro-management is not unique to Milwaukee County. The issue provokes debate at all levels of government. Its prevalence in Milwaukee County owes to (1) the relatively recent creation of the position of executive; (2) the historically central role of the board; (3) competition between the two branches; and (4) the failure to define clear roles for each.

The executive branch exercises most of its authority through preparation and submission of the annual operating and capital budgets. This has evolved to a point where the board-adopted budget includes most of the executive's proposals. It can reasonably be argued that the board has too little opportunity for review and input into this process, which is the single most important policy-making activity the county undertakes.

However, once adopted, much of the budget's momentum and direction is lost. At this point, the executive's leadership and practical authority are

overtaken by the dominant factor in county government—the regular cycle of meetings and paperwork culminating in monthly deliberations of the board. Instead of focusing on implementation of an adopted budget, managers spend disproportionate amounts of time preparing for each month's cycle of meetings, reacting to decisions made at those meetings, and preparing for the next cycle. And micro-management is not confined to the county board. Within the executive branch, many financial and personnel functions are highly centralized. Managers of operating departments often see themselves as waging a two-front battle—one with the board and another with the departments of administration and human resources.

To get a feel for the role of board committees, the commission focused on one month's activities—July, 1995. In that month, 13 standing board committees considered 202 items, requiring more than 2,400 pages of reports, agendas, minutes, resolutions, and memoranda. Adjusting for the fact that July is the board's busiest month, it annually considers about 1,800 items and about 16,000 pages of paperwork. This excludes review of the annual budget. In any given month, senior managers in key departments might devote between one-quarter and one-half of their time following up on recent board actions and preparing for the next meeting cycle.

There is a significant contrast between the volume and type of items considered by the board and that of a true legislative body. For example, as now structured, county government would come to a near standstill without regular board meetings. This is because a large proportion of the board's agenda involves approval of administrative actions which implement the previously approved budget or other adopted policy. A board-published list of its activities during 1992-1996 documents involvement not only in setting policy, but also in review of actions that normally would be delegated to administrative departments. Three characteristics of a typical board agenda further demonstrate this:

- Most items are so routine they are not reviewed in advance by the executive.
- Most items are adopted essentially as submitted, though often after weeks or months of costly delay.
- Few items receive or warrant media coverage.

By comparison, Wisconsin's legislature is not in formal session for many months of the year. It convenes

for specific and relatively limited periods of committee and floor activity. Typical committee meetings are devoted to statutory changes involving new or modified policy. Once enacted, agencies are delegated substantial authority and responsibility to carry out the law. The result is a much clearer definition of the legislature's role—the establishment of public policy and periodic legislative oversight of policy implementation. This differs significantly from the role played by the county board.

From among the nearly 2,000 items considered by the board in 1995, there are many examples of actions which could have been handled more expeditiously without board and board staff involvement. Here are a few:

- an agreement with the operator of the airport's shoeshine stand.
- alternative ways to manage animal waste at the zoo's compost site.
- use of already-budgeted funds for asbestos abatement at the Children's Court Center.
- a study of Effects of Hormonal Therapy on the White Rhinoceros Reproductive System.
- an agreement for baggage carts at the airport.

The board's 97-page list of activities during 1992-1996 identifies a multitude of similar items:

- approval of \$5,000 for facade improvements along North Avenue in Wauwatosa.
- approval of recommendation to place the administration of the Sun/Squad Winter Watch program in the Department of Aging.
- authority to implement an automated golf reservation system.
- approval of reprogramming \$20,000 in the other category to Career Youth Development to be used toward renovating their main educational facility.

Such items are common. With the board involved in reviewing hundreds of such actions, it cannot focus on major policies where only it can provide the direction which reflects accountability to taxpayers.

Some supervisors will question our belief that too many administrative items go to the board for review. While there is room for debate on individual items, we are unanimous in believing that the scope of the board's monthly activity qualifies as counterproductive micro-management. The list of examples simply is

too long. The board should distinguish between items which are important, but which are logically the domain of the executive, and focus on issues which truly involve policy.

The cumulative negative impact of micro-management is substantial:

- Time which department managers should devote to service delivery is consumed in protracted meetings and production of a staggering volume of paperwork. Decisions which could be made in one or two hours—or less—can take weeks or months.
- Accountability to taxpayers is reduced because authority to act is delayed and responsibility for actions is diluted by administrative decision-making shared by the executive and board. When something goes wrong, who is to blame? Everyone? No one?
- The system contributes to distrust between the branches and thus diminishes their ability to address constructively important policy issues.

Historically, the most "successful" county managers have taken few risks. They manage defensively, not aggressively. In the culture of county government, the highest rewards are for avoiding mistakes and not getting out in front of key supervisors. Often, paralysis is the result.

There are many important policy issues that the county board should address, but cannot because so much of its time is devoted to minor administrative matters.

The result is unproductive rivalry, including a determined effort by the board to have the final say on administrative decisions which logically should be delegated to the executive branch. The process generates its own momentum. The following generic description from Robert Behn, a respected scholar and political scientist at Duke University describes how:

The micro-management tale is old and familiar. The legislative branch is...unhappy with the way an...agency is behaving, so legislators impose rules...(this unhappiness often arises out of a scandal...or some error that is transformed into a scandal). The new rules prevent...the agency from doing what the legislature dislikes [but also] constrain the agency from producing the results for which it is responsible...

This makes the legislature unhappy—again. Clearly, the agency is not being managed

intelligently. The legislators, however, cannot manage the agency directly. They can only [impose] some additional rules...The agency's productivity declines still further, which reinforces the legislature's view that the agency is badly managed. So it imposes more rules.

Soon, the agency is devoting a significant portion of its resources to complying with all these rules. Indeed, the agency may conclude that its only real purpose is to follow the rules.

The legislature may conclude the same thing: If all the agency can do is follow rules, we had better write those rules right so that they don't have any opportunity to misinterpret the rules and make an even bigger mess.

Commission findings show that this description is applicable to Milwaukee County, and that micro-management is contagious. It is not confined to the board. The executive's administration and personnel departments have developed their own elaborate and cumbersome rules, often in concert with the board committees.

As a result, managing a county department which exists to do things (operate parks, design and maintain buildings, care for the mentally ill, etc.) increasingly is a job of rules comprehension and compliance. Well-compensated department managers, who in theory are paid to make decisions and be accountable, instead are micro-managed and second-guessed. For example, in agencies such as the Department of Public Works, about two dozen senior managers are paid an average of \$74,000 a year. For this annual investment of \$1.7 million, the board should expect that they can implement policy and should be spending most of their time doing so.

The extent of the problem is exemplified by rules and roadblocks affecting three basic decisions normally delegated to managers: hiring employees; selecting private vendors; and managing budgeted funds.

Hiring Employees: The Four Year (and Counting) Hiring Freeze

A central governance problem at Milwaukee County is the reliance on top-down, micro-management instead of delegating authority to department heads and then holding them accountable.

In mid-1996, for example, Milwaukee County enters its fifth year of a hiring freeze instituted in 1992 to

deal "quickly and decisively" with an anticipated revenue shortage. The freeze, initiated by the executive as a supposedly temporary action, has become a multi-layered, complex maze.

Initially, the 1992 freeze reduced the power of departments to hire staff previously authorized by the board and executive to carry out approved functions. It centralized hiring decisions in executive branch oversight departments. Within six months, the board's finance committee continued the freeze and inserted itself into the process by requiring that requests to fill previously authorized positions be reviewed monthly by the board, as follows:

[The] review process would require...

Administration to prepare a monthly report to the Finance Committee on the status of all certification requests...The report is to be provided to all members of the...Committee on the Monday prior to the regular committee meeting and placed on the agenda...If no action is taken...the certifications will be processed through...Human Resources. In the event the Finance Committee does not concur...the requesting department head may be authorized to fill a vacancy or ordered to hold a position vacation...subject to county board action and county executive review.

By the fall of 1994, the regulatory apparatus assumed a Keystone Kops aura, illustrated by this excerpt from an executive branch memo:

Department heads must receive re-approval for the filling of vacancies which were previously reviewed and approved [under the 1992 freeze] even if you have already received a certification list of eligible candidates. In essence, all certification lists currently outstanding are hereby cancelled...

Thus, two and one half years into a temporary freeze, departments which had received approvals to exceed the freeze were told to get re-approvals.

For one department, the futility of this was illustrated when, during a 15-month period, it: (1) sought and received budget approval for a position; (2) encountered delays in getting still further approvals and re-approvals; (3) entered the next budget process with the position still vacant; (4) was told that the vacancy showed that the position was not needed; and (5) watched as the position was abolished.

By December, 1994, the finance committee and Department of Administration issued more rules, directing departments to bring a corrective action plan to the committee "as soon as any department becomes aware of a deficit situation, whether it be the result of revenue shortfalls or expenditure overruns, regardless of the amount..."

A year later, in December, 1995, the finance committee approved a seven-part set of expenditure and hiring controls which continued the process for reviewing positions that had been in place since 1992 and restated and expanded on other subsequent controls.

There is scant evidence that the 1992 freeze has done much but take on a life of its own. As this temporary freeze moves into its fifth year, the county announced in early May a potential \$11 million budget deficit for 1996. Budget deficits and crises have become the norm in county government. Less than a month later a revised deficit of \$7 million, described as extremely preliminary, was announced. This was accompanied by executive and board actions to continue the hiring freeze and to require Department of Administration authority to approve non-essential purchases. The role and responsibility of well-paid department managers again appear subordinate.

Selecting Vendors and Consultants: "A Handy Reference Tool"

County departments carry out functions through services of county employees, private firms, or a combination of county staff and private firms. Private firms include consultants retained through professional service contracts.

While many elected county officials view the use of consultants skeptically, they annually affirm the practice when voting for the county budget. Some supervisors view hiring a consultant as an appropriate way to accomplish a task; others see it as a probable means of dispensing favoritism. The latter fear has spawned a maze of rules, including eight pages in the administrative code and 27 pages and appendices in the administrative manual. To explain these, a board agency issued "an updated user-friendly interpretation." In describing its four-page publication as a handy reference tool, the agency cautioned that, "while this... may serve as a guide, it is important that the ordinance be read in its entirety for a complete understanding of all requirements. An appropriation of funds in a department's adopted budget is not an

affirmation by the county board to grant...authority to contract for professional services without seeking further approval of the county board."

The complexity of the rules is illustrated by a decision grid included in the guide. A simplified version is shown below. Asterisks indicate information clarified by multiple footnotes published with the decision grid. Categories across the top identify various county departments and procedures involved in the process.

Operations	DPO	County Board*	DBE	RFP	Corp. Counsel	Risk Mgr.	Controller
<\$1,000	yes	no	yes	no*	n/a	yes	yes
\$1,001-\$4,999	no	no	yes	no*	yes	yes	yes
>\$5,000	no	yes	yes	>\$20,000	yes	yes	yes
Capital or major maint.							
<\$1,000	yes	no	yes	no*	n/a	yes	yes
\$1,001 to \$19,999	no	no*	yes	no*	yes	yes	yes
>\$20,000	no	yes	yes	yes*	yes	yes	yes
DPW Projects	no	*	yes	>\$20,000 *	yes	yes	yes

Thus, for seven different types of contracts there is a matrix of 49 different requirements (and clarifying footnotes). In addition, there are requirements throughout the year for various reports to the board which list consultant contracts and other information.

The complexity of the rules invites—indeed assures—noncompliance (inadvertent or intentional). The discovery of violations is cause for considerable consternation.

Consistent with Professor Behn's generic description of what happens to prevent future violations, more complex rules emerge in response to violations of old rules. The result is more violations, not fewer. Preoccupation with process often is a greater concern than effective service delivery. Drawn-out debates over consulting contracts sometimes occur with little or no discussion of the work actually intended to be accomplished.

Managing Budgets: Fund Transfers

One of the county's most arcane control procedures involves fund transfers. As with most procedures, it has a seemingly logical goal, but has mushroomed

into a monthly mountain of time-consuming paperwork. Perhaps a handful of officials actually understand the statutes, ordinances, codes, and resulting forms. Yet, virtually every department is affected and afflicted.

As with hiring and consultant rules described above, fund transfers assure that adoption of the annual budget is the first, not last, step which an department must take to carry out its mission. As with other approval requirements, it brings departments back to the board month after month with items involving no change in overall spending. Some transfers involve clear policy issues and should be reviewed. But many involve inscrutable and inconsequential reclassifications of already approved funds, as illustrated by a Mental Health Division request which moved \$10,000 from: Org. Unit 6995, Acct. 8509 - Other Bldg. Improvements to Org. Unit 6910, Acct. 8860, Capital Outlay Contra.

In total, there are 11 different categories of fund transfers (Departmental Capital Outlay, Departmental Receipt of Revenue, Substitution of Equipment - Class III, etc.). Eight require review by the finance committee and full board; two others must be approved by the finance committee; one requires approval only by the Department of Administration. (The sheer number and nature of requested transfers also illustrate problems in the process by which the county's initial budget is developed.) In the final analysis, the fact that transfers are important to departments and require board approval makes them an important element in the overall system of micro-management.

Alternatives to Micro-Management

Different approaches to decentralized decision-making offer alternatives to micro-management.

Transit

The Milwaukee County Transit System accounts for about half of the Department of Public Works budget and requires a yearly property tax subsidy of about \$14 million. Almost 1,500 employees work for the system. Yet relatively few cumbersome rules apply to its daily operations, because the county contracts with a private, nonprofit company to operate its buses. Once the county adopts a budget, sets fares, and approves routes, Milwaukee Transit Services, Inc. has substantial discretion in managing the budget and providing services. Independent evaluations repeatedly praise

the system as the best of its size in the nation. This could be a model for deregulating other county departments and still holding them accountable for quality services. Now it stands more as a notable exception.

Museum

Prior to 1992, the museum was subject to the same regulation which characterized most county departments. The educational excellence and overall national reputation of the institution were in jeopardy because diminished tax support was increasingly curtailing programming and staff. The private-sector perception of county micro-management and political interference became severe deterrents to raising alternative funds from that source.

In a laudable example of county board/executive cooperation, and public/private partnership with the Friends of the Milwaukee Public Museum, museum governance and operations were spun off to a non-profit entity. The independent governing board reflected both county and private sector interests. The county maintains accountability through annual approval of its budgetary contribution and through county audits of museum expenditures, as well as periodic reports to the county executive and board. In inflation-adjusted terms, the county's tax-supported contribution has declined. This year for the first time, fee revenue and private contributions will surpass the county's contribution. A major expansion of facilities, including a large-screen IMAX theater, was financed through private and public funding.

Airport

Mitchell International Airport is one of Wisconsin's most important economic development assets. Its benefits come with little need for local tax dollars, because virtually all operations are financed by passengers, airlines, and state and federal grants. Yet few departments are subject to more fly-specking micro-management. Historically, largely administrative decisions have been scrutinized and often delayed by a board committee dominated by supervisors whose districts surround the airport. Lengthy committee discussions range from such topics as a \$345/month agreement with a shoeshine operator to highly technical issues involving radar, runway lights and flight paths. The ability and willingness of the committee to delay key items are well-documented. This troublesome governance system is understood and widely

decided within the airline industry. This is the wrong reputation to have in a deregulated market, where airlines are continuously evaluating the best communities and facilities at which to expand.

The board and the executive need to examine these examples. The museum and bus system operate under a system of decentralized decision-making, yet still have policy accountability to the board. On the other hand, the airport is subject to much closer scrutiny and second-guessing. Many administrative decisions at the airport which require board or committee approval can be unilaterally implemented by those running the buses or operating the museum (and many airports elsewhere). It is untenable to argue that it is vital for the board to approve certain actions for some departments when the requirements are greatly relaxed for others.

Milwaukee County faces a major challenge in terms of its governance structure. These governance issues must be addressed primarily through the leadership of elected county officials. Even though some changes might require amendments to state law or the state constitution, most do not. As a 1992 board staff report noted, "under the Administrative home rule authority granted to counties under the Wisconsin Statutes, the county board has the authority to exercise any organizational structure it deems appropriate."

Recommendations

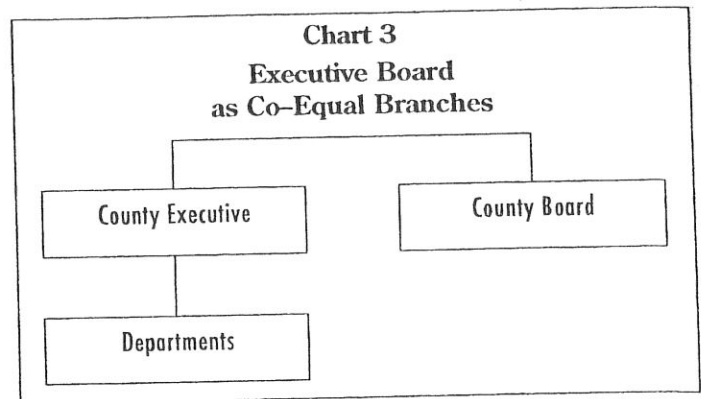
Recommendations intended to address governance problems follow.

Position of County Executive

Retain the executive's position. Make it a true co-equal and independent branch of government.

The biggest problem facing county government is a failure to distribute authority between the executive and board in a way that lets policy be established and then effectively implemented. A system which should be characterized by checks and balances instead is often mired in contentious stalemate. It is imperative to modify the current structure by clarifying the independent authority and responsibility of the executive. In simplified terms, it should involve a structure such as illustrated in Chart 3.

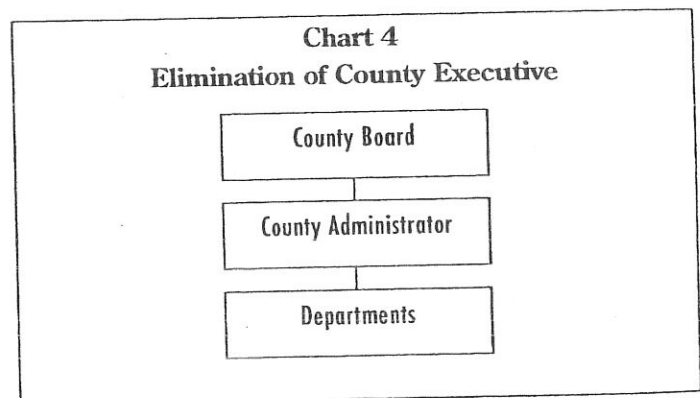
This would be similar, though by no means identical, to the structure of the State of Wisconsin and, to a



different degree, the City of Milwaukee. The state and city structures have their own unique features, but each has a clearer delineation of policy and administrative authority than exists at the county.

In order to implement this option, a conscious decision by the board to shed its substantial current involvement in administrative oversight is required.

The commission believes an independent executive is possible to achieve and that the benefits of separate, co-equal branches are overwhelming. Such a system does not now exist in Milwaukee County. If the executive and board cannot work together to create one, the option described in Chart 4 is preferable to the current condition. If elected county leaders cannot move to a co-equal system of independent branches, it may be time to recognize that the position of executive should be eliminated.



County Board

Make the county board a policy-making body.

The new chairman of the county board stated in a position paper that:

The county board of supervisors is the ultimate policy-setting body of county government, while the county executive may recommend policy and is the chief administrative officer of all county

programs and services...Therefore, the county board should be organized to review, discuss and develop public policy, while the executive branch administers and implements those policies...

Oversight and direction of the executive branch from the legislative branch should be a secondary function of the board.

This important statement was accompanied by a proposal to reduce the number of board committees. Further, the chairman has indicated an interest in reorganizing board staff to reflect a new emphasis on the policy-making function.

The commission applauds the leadership shown by the new chairman. However, the board should build on that vision and go further. Specifically, we recommend:

- a further consolidation of board committees, as illustrated in Table 1.

Table 1 Various County Board Committee Structures		
Former Committees (14)	New Committees (9)	Recommended Consolidation (7)
Finance	Finance & Audit	Finance, Audit & Personnel
Audit		
Personnel	Personnel	
Health	Health & Human Needs	Health & Human Needs
Human Needs & Services		
Judiciary, Safety & General Services	Judiciary, Safety & General Services	Justice, General Services
Legislative	Intergovernmental Relations	Intergovernmental Relations
Transportation & Public Works	Transportation, Public Works & Transit	Transportation, Public Works & Economic Development
Mass Transit		
Economic Development	Economic & Community Development	
Housing & Community Development		
Parks, Recreation & Culture	Parks, Energy & Environment	Parks, Energy & Environment
Energy, Environment & Extension Education		
Committee on Committees	Committee of Whole	Committee of Whole

- a systematic review and repeal of ordinances and rules requiring board approval of administrative actions which implement already approved policy.
- changing the focus of committee meetings to policy matters.

Change the committee structure. Table 1 shows the 14-committee structure in place prior to April, 1996; the reduction to nine implemented by the new chairman in April; and additional consolidations, to seven, which warrant consideration.

Review and repeal of current oversight requirements. Changing the number of committees will not reduce micro-management. If department heads continue to be consumed by tedious and redundant monthly reporting and approval responsibilities, this problem will persist and worsen. There must be a concerted effort to focus the board on policy-making and broad oversight of policy implementation. If the board continues to review hundreds of administrative actions a year, the opportunity for major change will be lost.

Recent controversy over selection of a contractor to run a mental health clinic demonstrates this problem. Although an evaluation rated one firm in the bottom third of the competition, a board committee recommended the firm over others which were more highly rated. An ensuing controversy pitted angry supervisors against each other and saw clashes between executive and board. Such controversies are frequent. They could be avoided if the board relinquished its practice of approving contracts which involve the use of already budgeted funds to provide already approved services. The policy decision to use the funds and provide the service is the board's. It occurs when the budget is adopted. The administrative action to carry out the policy should be the executive's.

Operations of the transit system and the quasi-independent museum show the great potential which exists if the board would focus primarily on policy-making.

The best measure of whether the executive and board can work together on this goal will be agreement on a lengthy and specific list of actions which would no longer require board approval. An excellent starting point would be to reduce the number of contracts which the board must approve. It is now the exception to the rule when a contract to spend already appropriated funds for already approved services

does not have to be reviewed and approved by the county board.

The county should create an independent review committee charged with the responsibility of reviewing the ordinances, administrative rules, and resolutions which set forth items which now must be reviewed by the board. This daunting but significant task is central to reducing micro-management. A corollary function of this group which would be highly desirable would be to recommend a method for consolidating the voluminous ordinances and codes into published documents which are more accessible to and understandable by the public. State of Wisconsin procedures provide a useful illustration of how this might occur.

Create policy focus. Monthly meetings of virtually all standing committees currently focus on the many administrative actions the board reviews. In a single month this involves hundreds of items, thousands of pages of paperwork, and very considerable amounts of personnel time. If the board does not reduce the number and type of actions it must approve, these monthly meetings will remain a requirement, along with associated paperwork, costly preparation, and diversion of administrative staff.

On the other hand, a reduction in administrative reviews would allow a move to a different purpose for committee meetings. Their purpose could shift largely to one of policy-making and true oversight of policy implementation. Their importance, as it relates to policy review, almost certainly would grow.

County officials would see improved productivity between meetings and during meetings. The work of policy development is a staff/committee function, with policy approval occurring at full board meetings.

Expand board review of the annual budget.

Currently, the executive spends several months developing a budget proposal and the board essentially has only a month to review and approve it. The board should require that it receive the executive's budget proposal at least one month earlier, say on September 1 of each year. This would double the time available for board review and approval and would enable the board to have real input in setting policy. Following adoption of the budget, with board input having been increased, there should be greater responsibility assigned to the executive to carry it out. Meetings of standing committees could be used primarily for valid

oversight by the board as to whether policy is being effectively implemented.

Study the size of the county board. The commission is not offering a recommendation on the size of the county board. We note that an opinion survey done in connection with our work showed that a plurality of respondents—nearly half—think the board is too large. Three percent say it is too small.

We recommend that the board undertake a study of this question in connection with the reapportionment process that will follow the 2000 census. The first election of county officials after that census will be in 2004.

Consolidate and reorganize county board staff. Board leaders have shown restraint in managing their budget, which has risen less than three percent overall in the last four years. The executive's budget, too, is under control. Since 1991, the growth in the executive's office has been well below the rate of inflation, and there are fewer authorized and filled positions now.

In restructuring the board staff and in moving toward a greater emphasis on policy review and oversight, the board should consider the state legislature's success in creating independent, professional agencies to provide high-quality policy research. Examples include the Legislative Council, the Legislative Fiscal Bureau, and the Legislative Audit Bureau. They operate on a largely nonpartisan basis and are distinctly separate from other legislative staff, whose functions are directly associated with individual legislators and committees.

The board's audit staff, for example, could have a significant impact in assisting the board in oversight of policy implementation. This is the primary role performed by the state's audit function. At the county level, more audits should focus on performance of programs and results and fewer devoted to adherence to procedures.

Our review of board staffing indicates the possibility for more economies. These would send a very positive message to taxpayers and county employees. With county operations being streamlined to reflect fewer services and more efficient service delivery, elected leaders must show that they are not exempt from change.

Board staff consists of 52 positions (excluding supervisors and the Department of Audit). Aside from administrative aides to individual supervisors, the staff primarily supports committees in their monthly review of items requiring board approval. This staff can be consolidated to reflect fewer committees, with more emphasis on policy analysis and less on administrative oversight. Some salaries can also be adjusted.

Independent elected officials

Milwaukee County's true organization is not as straightforward as indicated by either Chart 3 or Chart 4. In addition to the executive and the board, there are a variety of independent elected officials. Several have their annual budgets approved by the executive and board, but at the same time are not directly accountable to them. Further confusing the picture is the fact that some of these independent offices also receive funding from other levels of government (primarily the state).

The table below lists these separate offices and summarizes commission recommendations as to which offices should no longer be filled by election.

Elected Office	Recommendation
Executive	No change.
Supervisors	No change now. Evaluate board size after the 2000 census and before reapportionment for the 2004 election.
Sheriff	Appointed director of public safety. Put sheriff's office, jail, House of Correction, and Emergency Government into new Public Safety Department.
District Attorney	Nonpartisan ballot. Four-year term. Spring election.
Circuit Judges	Appointed initially; later subject to retention election.*
Clerk of Circuit Courts	Change to appointed position if a sole source of funding (state or local) can be adopted; otherwise remain elected.*
Register in Probate	Appointed by chief judge.
Treasurer	Appointed by executive.
County Clerk	Appointed by executive.
Register of Deeds	Appointed by executive.

*These recommendations are discussed in the chapter on Courts and Public Safety.

Several of the offices are now filled by election on partisan ballots in the fall, whereas the executive and board are elected on nonpartisan ballots in the spring. County officials who continue to be elected rather than appointed should be chosen on nonpartisan ballots, for four year terms, in spring elections.

The offices of register in probate, treasurer, county clerk, and register of deeds carry out primarily administrative functions. Administrative cost savings likely are possible by consolidating these operations under the chief judge or county executive, as indicated. Constitutional amendments would be required.

Substantial economies of scale and improved delivery of services would result if the operations of the sheriff, House of Correction, and Division of Emergency Government were merged into a single public safety department that was part of the executive branch. Some difficulties in addressing jail overcrowding could be lessened if the responsibility to finance and administer all inmate detention was not divided between the independent sheriff and executive. Thus, the commission urges consideration of a constitutional amendment to eliminate the separately elected position of sheriff, which is primarily responsible for operating the jail and, to a lesser degree, various functions similar to those carried out by local police.

The sheriff does not need to be an elected officer any more than local police chiefs need to be elected. In Milwaukee County, there is a further anomaly—an elected sheriff, whose main function is to manage the jail, and a non-elected manager, appointed by the executive, responsible for managing offenders sentenced to the House of Correction.

Coordination of Criminal Justice Function

The offices of sheriff, district attorney and circuit court judges currently are independent and, at least for the foreseeable future, are elected. Yet, as illustrated by ongoing discussions over court processing, jail crowding, and municipal police concerns, there is an urgent need for improved coordination between the executive, the board, the sheriff, the district attorney and the courts.

The county should create a coordinating council comprised of these offices. Such a council could build on some successes which have occurred in recent years, as these branches worked informally through various committees to coordinate design of the new jail and to

implement some measures related to improved case processing.

A Culture of Change and Entrepreneurism

The executive and board need to reinvigorate and redefine the county's approach to service delivery. They must emphasize results and retreat from a pre-occupation with rules and process. They must communicate to managers that mistakes are an inevitable part of change and improvement.

Several actions could demonstrate the county's commitment to change. These actions require the leadership of the executive and the board. Managers will not make these kinds of changes without that support.

Develop an entrepreneurial spirit. Successful governmental entities throughout the United States consistently point to strong leadership from the top requiring that employees adopt an entrepreneurial spirit. There are numerous management books in print today with thousands of success stories. The success stories are similar and result from a mind-shift among employees. An entrepreneurial spirit can only arise if employees are given the appropriate support. We were impressed with the overall quality of employees with whom we met. There is a tremendous willingness to change and a strong desire to make improvements. However, this will only occur with strong leadership and a plan. With this in place, county employees with this entrepreneurial spirit will begin to ask questions such as, How can we do things better? and If this were my money, would I continue to spend it the same way?

Promote quality improvement. Milwaukee County, like other large organizations, must promote an environment of continuous improvement. Every department must make efforts toward public sector reengineering. Review teams, perhaps led by county auditors, should plot out current processes used by the county, eliminate non-essential elements, review the remainder and then continuously change. Some oversight for quality improvement should be established in the Department of Administration, but it is essential that both the county executive and the county board empower all county employees to reengineer government. It is everyone's job.

Seek opportunities for competitive bidding. The county also needs to look at new opportunities for more competitive bidding to improve service quality

and delivery at reduced costs. Departments should be encouraged to evaluate whether necessary services can best be provided with current staff, or a mix of current staff and services provided under contract with non-profit or for-profit companies. This approach anticipates that current staff could form teams and submit competitive proposals to retain responsibility for providing services.

Conclusion

Governance reform will be central to county government's success in the 21st Century. The recommendations in this chapter are directly aimed at a better definition of roles between the executive and board, and designed to encourage a much more decentralized, entrepreneurial, and accountable management approach in the delivery of important services. Many of the recommendations involve fundamental change. Such change is necessary for the county to confront and deal with the significant challenges which, in part, led to the creation of this commission.

¹"The Governing of Milwaukee County," Trading Post to Metropolis, Milwaukee County's First 150 Years, Milwaukee County Historical Society, 1987.

²The Governing of Milwaukee County.



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

Testimony on AB 85 to the Committee on Government Operations and State Licensing

Remarks as prepared for delivery

Chris Abele, County Executive

Milwaukee County

April 10, 2013

Good morning Representative August, Representative Craig and members of the committee. Thank you for allowing me to speak and thank you for holding a hearing on this important issue.

I want to start by assuring you that this change is not personal. It is not about me or anyone else currently in office. The goal is an improved system of governance that, long after we are all gone, consistently produces better results for the people of Milwaukee County.

The current lack of role clarity, through no fault of anyone currently in office, catalyzes an unproductive environment. This bill attempts to clarify the legislatures' intent, and ultimately to foster better decision-making and long-term thinking.

As you consider this important legislation, the historical context is informative. In 1970, Milwaukee County government was much bigger than it is today, with 11,000 employees and many services no longer the County's responsibility, including a county hospital, a power plant, and even our own bakery. At that time, Milwaukee County government was respected and hadn't run into the problems of a pension backdrop scandal or had the state take over troubled programs like W-2 and foster care. Also in 1970, the Milwaukee County Board was part-time and had a staff of five people.

Fast forward to 2013 and things are much different. Milwaukee County government is much smaller, with around 4,400 employees. We still provide critical services, but less of them, and we certainly do not have a shining reputation. The Board's focus on policy and oversight has also been diluted by attempts to micromanage – adding back positions managers themselves say are unneeded, refusing to let Department Heads into meetings *with that Department Head's own staff*, and even attempting to direct private businesses how to conduct their own business.

While most Supervisors are, in good faith, trying to fulfill their role as they understand it, the result of the lack of role clarity is dysfunction and unproductive friction that harms the County's ability to be effective and nimble.

Concurrent with the change in County outcomes over the past decades has been a ballooning of the Board's staff and budget. The Milwaukee County Board has a staff of 38 people and a \$6.6 million dollar budget, that significantly higher than any other county in the state. To put that into context, the Dane County Board has 3 staff members and a budget under \$900,000. Put

differently, the Milwaukee County Board's budget is 700% higher than the Dane County Board despite Milwaukee County having 19 fewer Supervisors.

This ballooning of the Board budget, as well as the reputation of the County, predates many of the members of the current Board. Nonetheless, the public's desire for significant change has not spurred local action.

The author of this bill, Representative Joe Sanfelippo, learned first-hand during his time on the Milwaukee County Board that the Board was not interested in reforming itself. He tried to get the Board to change itself locally, but was blocked at every turn. He tried to get the Board to put an advisory referendum to the voters; even that move -to hear directly from the people- was rejected. The Board's only move towards "systemic" change was to eliminate the seat of one of the only supervisors fighting for real change.

Joe didn't give up, he was able to get a question on the ballot last April in 12 municipalities. Out of the 30,000 ballots, 84% said they wanted to see the County Board change. I'm not a pollster or an elections expert, but I do know that when more than 80% of a cross section of people calls for change, something should be done.

That brings us to today.

Some opponents of this reform have tried to say that the legislature shouldn't be acting on a County issue, or that this will somehow affect the checks and balances of government. These contentions misconstrue the role of County government. As an administrative arm of the state, our role is largely to provide state and federally-mandated services.

Moreover, as someone who has fought tirelessly for decades for human rights and civil rights, I would not support something if it compromised: meaningful checks on my role; the Board's proper oversight; or the voters' power to hold their representatives, including me, accountable.

The bill before you today would make three significant changes.

- It would clarify the role of the County Board as policymakers, letting them focus on policy and oversight while allowing the County Executive and Department Heads to focus on management.
- It would right-size the County Board's staff to support their oversight mission, while saving taxpayers millions of dollars a year.
- It would let the voters decide on the salary of Supervisors, the ultimate form of local control.

What the County needs is clarity so that we can become a high-performing organization that makes our community and our State proud.

I urge the committee to pass this bill and help us put Milwaukee County on a better path.

Thank you,
Chris Abele
Milwaukee County Executive

GWEN MOORE
4TH DISTRICT, WISCONSIN

COMMITTEE ON
FINANCIAL SERVICES

CAPITAL MARKETS AND GSEs
INTERNATIONAL MONETARY POLICY AND TRADE

COMMITTEE ON BUDGET



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Congress of the United States

House of Representatives

Date: April 10, 2013

To: Representative Tyler August, Chairman Members, Committee on Government Operations and State Licensing

From: Congresswoman Gwen Moore

Submitted by Khalif Rainey, Milwaukee County Supervisor-Elect

Re: Opposition to Assembly Bill 85/Senate Bill 95

Statement of Congresswoman Gwen Moore

Representatives, as a former member of your honorable body, I thank you for the opportunity to share my thoughts on, and opposition to, Assembly Bill 85.

This legislation is an anathema to the principles of local control and upsets the systems of checks and balances in Milwaukee County government. Therefore, I urge you to reject Assembly Bill 85.

Right now, we all should be laser-focused on job creation. So, I urge those who are pushing this bill to, instead, advance state legislation that promotes jobs and creates economic prosperity in Milwaukee County.

For example, the Wisconsin Legislature currently is reviewing the 2013-2015 budget, and it is a perfect time for the state to deepen its commitment to mass transit.

Like you, I serve in the legislative body, and understand how consolidation of power in the hands of the Executive branch, no matter who holds the office, ill serves the public.

It concerns me that Assembly Bill 85 targets Milwaukee County, where about 20% of the state's population lives. About 27% of that population is African-American and 13.6% is Hispanic.

As a legislator who has represented Milwaukee for decades, I believe the provisions in Assembly Bill 85 that would reduce the powers of the legislative branch would, in turn, reduce the representation of minority communities in Wisconsin.

By reducing the role of the legislative branch, you reduce the role of the people, and reduce their say over the services that Milwaukee County delivers.

Individuals who live in high-need areas of Milwaukee County are the most likely to be negatively affected by this decreased representation.

The Board has been holding a series of town hall meetings across Milwaukee County to listen to the people and to hear how they want reforms to be implemented.

Therefore, I conclude by urging the Legislature to allow decisions about the governance structure of Milwaukee County to be made locally.



BOARD OF SUPERVISORS

David Bowen

10th District Supervisor

Testimony on Assembly Bill 85

Committee on Government Operations and State Licensing

Rep. August, Chair

April 10, 2013

Good morning, Chairman August and committee members. My name is David Bowen, and I serve as a Milwaukee County Supervisor representing the 10th District, which is on the north side of Milwaukee. I am one of 5 new Supervisors elected to the 18 member Board in 2012. This month, we will be swearing-in 2 new Supervisors. The legislative branch of Milwaukee County has turned over more than 1/3 since last term. We are the new face of the new Board.

Today, I'm here to testify against AB 85, which mandates changes to the Milwaukee County Board of Supervisors and the powers of the Board and County Executive. Many people have said that Milwaukee County is in crisis, and this legislation is needed so we can address the problems the county faces. I have even heard that Madison needs to come in and fix Milwaukee because it is broken and cannot fix itself. Let me take a moment to assure you that Milwaukee County has been taking significant steps to address its fiscal challenges over the past decade – well before the current County Executive and I were elected. We are continuing to adopt balanced budgets given the tight fiscal constraints that we, and all governments, are facing.

Milwaukee County may be best known to you as the one with the pension scandal crisis in 2001 that led to the County Executive stepping down, seven Supervisors being recalled and one department head convicted of a felony. Since that time, Milwaukee County has eliminated all of the pension enhancements to the extent that is legally possible, including rolling back the annual pension multiplier, raising the normal retirement age, eliminating early retirement eligibility and, more recently, phasing out the backdrop benefit that provided lump sum payments to employees upon retirement. With the implementation of Act 10, Milwaukee County also is able to collect one-half of the actuarially required pension contributions from employees. In January 2010, the Public Policy Forum did a report on Milwaukee County that

MILWAUKEE COUNTY COURTHOUSE

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included a chart projecting Milwaukee County's annual pension payments through 2015. At that time, it projected Milwaukee County would be paying \$98 million toward its pension fund in 2013. I'm happy to report that, due to the changes I've mentioned, Milwaukee County's pension obligations for 2013 are \$59 million, or 40 percent less than was projected just three years ago. Some of the credit is due to the pension obligation bonds that were issued in 2009 that, according to our Comptroller, our doing quite well. We just refinanced a portion of the original amount and due to the lower interest rates will pay more than \$103 million less in debt service over the life of these new bonds.

But the larger post-retirement obligations are related to health care expenditures. Twenty years ago Milwaukee County cut off eligibility for any post-retirement health care coverage for any employee hired after 1993. While we still have many more years to pay those obligations, we are at the point where it is expected that fewer retirees will be covered each year. Milwaukee County is one of the most aggressive local governments in the state when it comes to asking its employees and retirees to share the cost of their health care expenses. Employees and retirees in Milwaukee County are paying, in aggregate, approximately 25 percent of the total County's health care costs in 2013. That's more than twice the 12 percent goal set by the state.

But let me give you an objective fiscal rating of Milwaukee County government finances. Our bond ratings are AA, Aa2 and AA+ for Standard and Poor's, Moody's and Fitch's, respectively. These ratings are the same or higher than the City of Milwaukee and, in the case of Fitch's, *higher* than the State of Wisconsin's bond ratings. Yes, Milwaukee County has its challenges, but please don't let people tell you that we aren't taking steps to keep our finances in order. Our tax levy has grown near the rate of inflation since 1999, and we are living within the strict tax levy limits imposed by the State.

Some people say that this legislation is needed to save money to help keep County parks and cultural assets operating. It is unclear where the savings are in this bill, as the levy is not cut, and compared to other opportunities, such as lowering the number of inmates sentenced to costly state and county detention facilities, or trying to be more efficient with the over 900 structures and facilities the county owns and operates.

Locally, we already have approved money-saving consolidations and will do more. However, this bill could block the ability of the County to achieve some future efficiencies because of a provision that requires the Intergovernmental Cooperation Council (ICC), a group of mayors representing each of the municipalities, to review and approve all intergovernmental agreements prior to implementation. For example, under this bill, the County Board's approval of a plan this year to have the City of Milwaukee answer all wireless 911 calls in the County would have been contingent to approval ICC before implementation. Undoubtedly, this provision will create more bureaucracy and opportunities to derail future cost saving measures if it is approved.

To hear others claim that the County Board is standing in the way of needed fiscal reforms is simply not true. It is a fabrication by those that simply wish to empower the County Executive and weaken the Milwaukee County Board's ability to carry out its legislative functions. Ask yourself, after a previous County Executive and his staff engineered the infamous pension scandal do we really need a more powerful County Executive and less legislative oversight?

We ask that you not support this bill, and allow Milwaukee County to make governance structure decisions on a local level. Thank you.

Suggestions for Amending Assembly Bill 85 From Milwaukee County Supervisor Deanna Alexander

One of my favorite quotes is from Ronald Reagan:

*The nine most terrifying words in the English language are:
"I'm from the government and I'm here to help."*

It is with this in mind that **I give my support to passing Assembly Bill 85**. I believe that the bill has many positive provisions that will help me do my job as a Supervisor better, and help Milwaukee County become more efficient.

However, I also agree with what Barbara Jordan once said:

What the people want is very simple. They want an America as good as its promise.

It is with that in mind that I respectfully urge you to consider making the following amendments to Assembly Bill 85, to ensure that we are doing our best to craft good policy. Thank you for your consideration and please do not hesitate to reach out to me if you have any questions.

Deanna Alexander
Milwaukee County Supervisor – 18th District
(414) 278-4259 Office
(414) 939-9339 Personal Cell

Local Control

It is a great idea to have a referendum to allow the people of Milwaukee County determine what kind of government they will have. However, the citizens have a valid concern that the referendum results might not matter if the legislation will make cuts to the departmental budget anyway that will be so extreme as to force the same results. Perhaps the right answer is to modify the proposed budget cap so that the people can still have full-time representation if that is what they choose on the referendum? Otherwise, the referendum would be only a showpiece, a waste of money, and not truly respecting the desires of the citizenry. **I have no doubt that the referendum will pass, but without any legitimacy in decision-making at the local level, I fear Milwaukee residents will feel duped.**

Terms

Milwaukee County Supervisors currently serve 4-year terms. The bill proposes that those terms are changed to 2-year terms beginning in 2016. **Please amend the bill to strike or modify this provision.** As you know, 2-year terms entail constant campaigning, and thus, political distractions and fundraising. **I support new 3-year or continued 4-year terms for County Supervisors**, as well as extending those term lengths to the other 71 Counties' board members, and even State Representatives. I am also very supportive of **term limits** that cap a Supervisor's service at 3 or 4 consecutive terms and would consider it a fair trade to amend the bill to include such limits, if the term lengths were not reduced to two-year

terms. ~~Supervisors are not allowed to receive more than \$24,000 per year for Supervisor compensation. This would make it very difficult for County Board members to challenge other County officials for their positions without giving up their positions on the County Board. This is not the intention of the bill.~~

Supervisor Compensation

Current Compensation

\$50,670 salary

Pension Benefits

Health Insurance

Bill 85 Compensation

\$24,000 salary

No Pension Benefits

No Health Insurance

Alternate Recommendation

\$43,397 salary or \$34,717 salary

No Pension Benefits

Health Insurance *for self only*;
(can purchase for family at full cost.)

\$24,000 per year is being suggested as compensation because it is the “per capita income” for Milwaukee County. **This statistic might be misleading** because it represents, not the average income of County residents, but the income averaged over all persons – even children. To demonstrate a comparison: the per capita income for Beverly Hills, California (an extremely wealthy area) is only \$62,250. Is there a different figure that might be better suited for creating a salary cap?

Perhaps “**median household income**” would be a more meaningful benchmark. In Milwaukee County that amounts to **\$43,397**, which would be a better level for setting a salary cap for a job with no benefits, that the public debates may or may not need to be “full time,” and which may even vary as full time or part time by district. It would certainly be a cut from what some consider lavish now, without being lavish on its own. **Or even a variation of this, such as “80% of Median Household income” (\$34,717) might be a more practical and reasonable calculation.**

Designating the **Chairperson Salary** at 150% of Supervisor Salary is appropriate. However, that job is **certainly a full time position**. Even Waukesha County has a full-time Board Chair. Perhaps this position should be granted the same benefits as other full-time department heads?

Have you considered “employee benefits” that are of high meaning but little cost? These are not specifically mentioned in the bill, but I am concerned that they will be excluded. For example, Supervisors are allowed to park in a county-owned lot without charge. Supervisors, just like all other employees, are also allowed to purchase bus passes at a reduced rate and may be members of the Sheriff’s gym—a benefit only available to County employees. **Will this bill unintentionally cancel County Board eligibility from these programs?** Even Rep. Sanfelippo, the author of the bill, has agreed that this is not his intention.

Departmental Budget

The current departmental budget of the County Board is \$6.6 Million per year. The County’s tax levy is about \$279 Million per year, and total budget is about \$1.3 Billion per year. Assembly Bill 85 proposes a departmental budget cap of .4% of the County’s tax levy, or approximately \$1.1 Million. **This is a reduction of 83%.**

The media has criticized the department for having too many employees, and **I agree that the department can make some cuts – likely 25-40% of our support staff.** However, it would be a huge mistake to cut all staff and I am very concerned that this bill's proposed cuts may make a large mistake that we all have to work to later correct. Is it not better to perform surgery with the right instruments, rather than with an axe?

Further, this decrease of 83% is too extreme, too quickly for meaningful reform because it would not only change the way the board operates, but likely leave us without the resources to function properly. I am concerned about even having enough money for a district-wide mailer once a year if these cuts are enacted! While I do not support a departmental budget cap, if state insists on one, it should not directly correlate to the property tax levy, and should be no more than 30% to start.

It would also be a mistake for the state to impose a budget cap whose only result is the county playing fancy accounting tricks such as moving staff around and cross-billing charges. I can verify that such schemes have already been discussed by members of the County Board and staff and will likely be implemented.

As an accountant, I also find it highly improper to tie the departmental budget of the tax setting authority directly to tax levy. Doing so **creates an incentive for County Supervisors – who control tax levy – to raise taxes!** At a minimum, such a tie would ensure that tax levy will never go down, because allowing a decrease would require a sacrifice of the board's own budget. Believe me – the people of Milwaukee County really want to see taxes go down!

Please consider either not setting a departmental cap from the state level, or setting the cap at .35% of the total County Budget. Another option might be building in an incentive for lowering expenditures, by allowing .4% of the total County Budget as long as the tax levy is not raised in that budget year.

Double Dipping

Several of my constituents who are also county employees are concerned about the “double dipping” provisions in the bill. There are some employees who should not be penalized for working for the County during retirement.

For example, please consider those employees who are retired and return to work part-time in order to help on a temporary, emergency, or on call basis. These employees represent cases where even most fiscal conservatives can agree that it is prudent to allow a retired employee to continue to work with the County, while still allowing them to collect a pension. Please ensure that this bill will still allow the County the versatility of working with such retirees without penalizing them. In other cases, I do not oppose limiting “double dipping.”

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Government
Operations and State Licensing

FROM: Liz Stephens, Membership & External Affairs Manager

DATE: April 10, 2013

RE: Opposition to Assembly Bill 85

The Wisconsin Counties Association (WCA) shares the vision of the authors of Assembly Bill 85 for county government to engage as a partner in fostering an environment that encourages economic growth and job creation and delivers services to its residents professionally and cost-effectively.

WCA also recognizes that reform of Milwaukee County's governance structure could further augment the County's ability to fully realize that mission, possibly leading to further efficiencies and taxpayer savings. However, WCA believes that locally generated governance reforms are better suited to address the unique and dynamic circumstances that exist within each county, including Milwaukee County. Local stakeholder groups, including business and civic- and community-based interests, can and should provide the framework for a plan to enhance the operations of Milwaukee County. Furthermore, WCA believes that a locally generated reform package could itself promote a more congenial working relationship among county elected officials, including one that generates a greater desire for consensus building and solution-oriented decision-making. State legislation could have the permanent and opposite impact.

While certain elements of AB 85 are consistent with WCA's positions relating to county operations, such as those sections prescribing the County Board as the policy making body and the County Executive as the administrator of county operations, WCA is concerned that other provisions contained within the bill could lead to confusion and a lack of clarity with respect to other critical county operations. *(See Appendix A for additional details.)*

To be certain, there are times when state statutes must be modified to allow for counties to perform functions in a particular manner; however, certain provisions contained within AB 85, such as the requirement that all intergovernmental agreements be approved by an executive council, may be overly prescriptive and could actually have the impact of making Milwaukee County operations less efficient. By virtue of the dynamic nature of government, state legislation cannot anticipate every circumstance that may arise in

county government and should therefore refrain from adopting policies that could impede government's efficient operation. *(See Appendix A for additional details.)*

Counties in Wisconsin have historically been among the lowest taxing jurisdictions and have managed increased programmatic responsibilities frugally and responsibly. While AB 85 is aimed specifically at Milwaukee County operations, counties from all parts of the state have expressed concern that such a precedent may lead to unnecessary action by the state in other counties.

WCA appreciates the need for efficient and cost-effective county government and looks forward to the opportunity to continue to work with the authors of this bill and this Committee on these important topics. However, due to the complexity of these issues and the need for local input, WCA respectfully requests that the Committee defer action on AB 85 in favor of allowing a local solution to be developed and implemented.

Roles and Responsibilities of the County Board and the County Executive

Unlike in certain states where an elected county commission supervises and is directly responsible for the day-to-day operations of county government, Wisconsin chose to create a council form of government in which the legislative branch, in this case the county board, sets the broad policies of the county while the elected county executive or administration is responsible for the implementation of those policies through the day-to-day operation of county departments. WCA believes strongly that the county board should serve primarily in a legislative capacity largely limited to policy-making, law making, budgetary approval and cooperative decision-making.

Conversely, as confirmed through opinions of the Wisconsin Attorney General, the county executive should “exercise substantial direct and indirect control over personnel performing administrative and management functions for the various county departments and offices.” Section 59.17 specifically provides that the county executive, not the county board, is responsible for the day-to-day management and operation of county departments.

WCA believes there is significant statutory language and case law making this distinction clear and that the portion of Section 35 of the proposed legislation creating Sec. 59.794(3)(a), dealing with limitations on board authority is redundant, unnecessary and could lead to problems in its interpretation and application.

County Executive Authority to Create New Departments

WCA supports existing authority relating to the county executive’s ability to propose in his or her budget the creation of new departments with the consent or approval of the county board. However, Section 11 of the proposed legislation vests the county executive with supervisory authority over all departments that are created. It is possible that this newly authorized statutory authority could conflict with other statutes vesting supervisory authority in other county officers or boards. Without language prohibiting such conflicts, it is possible that the proposed language could create confusion relating to a new department that the county executive could create to the extent that the duties would overlap with an existing department.

Further, on Page 10, Section 11 (Lines 10-17), the bill allows the county executive to create departments, and sections and divisions within the departments, but there is no mechanism for funding the creation. Although the creation of any new department would occur within a budget or an amendment to a budget, the statutory language does not make clear that the county executive cannot create a new financial obligation for which the county board is mandated to fund without budgetary approval.

Applicability Outside of Milwaukee County

We understand it is the authors’ intent to limit the impact of the proposed legislation to Milwaukee County alone. However, although certain provisions of the bill - including those which modify existing statutes as well as others that create new statutory sections -

reference counties with a population of 750,000 or more, there are several others which reference counties with a population of 500,000 or more.

According to the state Department of Administration, Dane County's population as of January 1, 2012 is 491,555, meaning that certain provisions of the bill could soon be applicable not just to Milwaukee County, but also to Dane County. Those sections of the bill that could soon impact Dane County are:

- Section 10: relating to County Executive appointments, departmental oversight, lobbying services and diversity statements.
- Section 19: relating to county support enforcement office oversight.
- Section 25: relating to county board operating budget limitation.
- Section 42: relating to non-statutory provisions requiring a referendum on county board salaries¹.

Non-compensatory Benefits

Based upon our discussions, we understand it is the authors' intent to limit the financial impact of county government on Milwaukee County taxpayers; however, we have identified elements of the proposed legislation that could have the unintended consequence of not reducing the financial burden of county government on Milwaukee County taxpayers. For example, we believe that Section 7 of the bill, which would preclude supervisors from receiving any benefits not required by law would also restrict the county from allowing supervisors to participate in the county health care pool even if supervisors were required to pay 100% of the premium. Many counties allow for this practice. However, it is unclear whether merely allowing supervisors to participate in a larger, presumably lower cost pool would be considered a benefit.

Further, there may be federal, state and local rules that require employee participation in employee welfare and benefit plans. Since county board members are considered employees of the county under certain circumstances, there may be a need to maintain eligibility for participation.

Self-organization and Administrative Home Rule

The Legislature granted counties the ability to declare themselves "self-organized" in 1970, thus giving them the ability to adopt ordinances for the purpose of setting board compensation, establishing staggered supervisory terms and filling vacancies in supervisory districts. Thereafter, in 1985, the Legislature granted counties broad administrative home rule authority. The Legislature granted counties these powers not only to provide them with flexibility in managing their operations, but also as an acknowledgement that local communities are best positioned to determine how county government should be structured.

¹ It is possible that Dane County's population could exceed 500,000 prior to the date of the referendum proposed in the legislation.

Certain provisions in the proposed legislation would rescind some of these powers, making Milwaukee County the only self-organized county without the ability to set its supervisors' salaries, determine the size of its budget, set its own hiring practices and manage the structure of its' departments.

Perhaps more importantly, certain provisions in the legislation raise concerns on separation of powers grounds. The legislation would provide the Milwaukee County Board, the county's legislature, with no check over the executive branch's budget and staffing levels. This type of budgetary challenge is exacerbated considering that the legislation allows the executive to circumvent budgetary limitations by growing his or her budget and staff without oversight from, and to the exclusion of, statutorily mandated programs and services.

County Board Operating Budget

Although the legislation specifically excludes certain costs as being exempt under the 0.4% cap, other expenses would not be exempt. WCA believes that because specific exemptions were cited in the legislation, other costs *not* specifically cited must therefore be calculated for inclusion under the cap. Expenses such as time spent by corporation counsel advising the board, County Courthouse rent allocation, janitorial staff, etc. would not only be difficult to calculate, but would certainly impact the ability of the Board to maintain a budget of no greater than 0.4% of the levy.

In addition, it is unclear whether this provision would ultimately result in taxpayer savings given that there is no mechanism in the legislation that would require that any reduction in the county board operating budget be made to the overall county budget. As a result, other departments could potentially absorb that portion of the levy without taxpayer savings.

Lobbying Functions

WCA believes that county lobbyists first and foremost should serve the interests of the county, not a specific branch of county government. However, the proposed legislation could create an internal conflict of interest as it relates to Milwaukee County's lobbyists. The Intergovernmental Relations Department – the Department that houses Milwaukee County's lobbyists – is organized as a Department under the County Board. Nonetheless, the proposed legislation would make the county executive responsible for the supervision and direction of the Intergovernmental Relations Department's staff. As a consequence, the county board would hire the staff, but the county executive would direct the staff. WCA believes that not only would this be functionally challenging to implement, but that organizational, and perhaps legal, issues would also arise out of the unorthodox nature of the relationship.

Intergovernmental Cooperation Agreements

Although agreements authorized under § 66.0301 of the Wisconsin Statutes can have significant and far-reaching public policy ramifications, many agreements are routine in nature and can even affect the delivery of services in an emergency. Examples of routine agreements include shared ownership of equipment, group purchasing agreements for various office and maintenance supplies, equipment rental between municipal entities, emergency and routine road maintenance, snow plowing and repair and in-kind personnel trades. WCA is concerned that the effect of the language under Section 35 of the proposed legislation, which requires all agreements established under § 66.0301 to first be approved by every city and village in the county before taking effect, could preclude the procurement or provision of services in an emergency, require burdensome and time-consuming approvals for routine agreements and allow communities not impacted by an agreement to have undue influence in the determination of service delivery in another community. Furthermore, this provision could impact intergovernmental agreements to which local units of government *outside* of Milwaukee County are party as well.

County Executive Exclusive Oversight Over Certain County Operations

A number of counties own and operate a variety of public facilities ranging from airports to convention centers. In these counties, the common practice is for a county commission or county board committee to make recommendations related to the adoption of policies governing the facility for approval by the full county board and, ultimately, for approval or rejection by the county executive. Sections 18-23 of the proposed legislation, which consolidate policy setting responsibilities of various county facilities wholly into the office of the county executive without oversight by the county board or independent commission, is a significant departure from the operations of other counties and could create a situation in which one person would be granted significant authority that could limit the public's ability to seek redress over potentially wide-reaching policy decisions made by the county executive.

Separation of Powers

Under Sections 8 and 11 of the proposed legislation respectively, the county executive is provided the authority to both convene a special meeting of the county board and also to introduce legislation. Additionally, Section 10 of the proposed legislation provides for a "passive review" of county executive appointments. While WCA understands the convenience associated with such allowances, these privileges represent a blurring of the boundaries between the legislative and executive branches under a legislative form of county government illustrated by the fact that not even the Governor of the State of Wisconsin is not afforded these same rights as it relates to the state's affairs.

County Board Inquiries of County Departments

WCA respects and agrees with the notion that county boards should not be involved with the day to day supervision of county departments; however, it is possible that 59.794(3)(b), a newly created section of the statute under the proposed legislation, could preclude supervisors from making departmental inquiries without directly engaging the office of the county executive. This practice would be a significant departure from that of both the county board and legislative practice, both of which routinely engage department liaisons to investigate the status of constituent cases, and potentially represents both a practical and logistical issue with the cost-effective deployment of county government.

Approval of Contracts

WCA understands that in addition to limiting the impact of county government on the taxpayers of Milwaukee County, it is also the goal of the legislation to ensure that Milwaukee County government operates smoothly and efficiently. In that light, WCA respects that a streamlined contract approval process may further that goal; however, it is possible that the limitation contained in Section 16, which prescribes that the county board's finance committee have exclusive jurisdiction over contracts greater than \$300,000, could conflict with other state statutes which require oversight over certain highway or human services contracts. Further, while it may be beneficial to create an expedited review for certain, small contracts, it is unclear whether \$300,000 is the appropriate benchmark.

Municipal Employer Certification

Section 39 of the proposed legislation authorizes the county executive to serve as the sole "municipal employer" for the purposes of labor relations. This provision would significantly modify and reduce the checks and balances currently in place and vests a great amount of authority in one person. The Milwaukee County executive would be the only individual office holder vested with the authority to act as a "municipal employer" in the state of Wisconsin. Even the state does not allow its executive branch to act in such a unilateral fashion.

Technical Concerns

The word "exclusively" (Page 9, Section 10, Line 21 and Page 14, Section 17, Line 8) is redundant and could create a great deal of confusion.

Language on Page 11, Section 11 (Lines 7-10) is a current law provision and is redundant.

The County Board currently has the ability to utilize the services of corporation counsel. However, Page 20, Section 33 (Lines 6-7) adds explicit language to the same effect. Rather than adding language that may cause confusion (for Milwaukee and other counties), WCA believes this may be better addressed by a memorandum from Legislative Council.

Counties With Less than 100,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Summit County, CO	24,892	\$51,827	3
2005	Greenlee County, AZ	7,521	\$56,500	3
2008	Gallatin County, MT	78,210	\$66,027	3
2010	Delta County, CO	29,947	\$58,500	3
2010	Twin Falls County, ID	69,419	\$69,419	3
2010	Oconee County, GA	29,748	\$92,276	5
2010	Bartow County, GA	89,229	\$133,723	1

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 100,000 But Less Than 200,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Schuykill County, PA	147,447	\$50,947	3
2005	Kootenai County, ID	127,668	\$67,003	3
2005	Boone County, MO	143,326	\$78,832	3
2008	Arlington County, VA	195,965	\$53,900	5
2008	Monroe County, PA	163,234	\$63,341	3
2008	Clermont County, OH	190,589	\$65,062	3
2010	Johnson County, IA	117,067	\$51,017	4
2010	St. Louis County, MN	197,179	\$55,574	7
2010	Canyon County, ID	164,593	\$81,961	3

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 200,000 But Less Than 300,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Greene County, MO	250,784	\$66,965	3
2008	Greene County, MO	250,784	\$71,615	3
2008	Henrico County, VA	280,581	\$54,675	5
2008	Yakima County, WA	231,586	\$67,692	3
2010	Douglas County, CO	249,416	\$87,300	3

Counties With More Than 300,000 But Less Than 400,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	ADA County, ID	344,727	\$85,490	3
2008	Dakota County, MN	383,592	\$64,700	7
2008	Anoka County, MN	323,996	\$58,770	7
2010	Anoka County, MN	323,996	\$59,945	7
2010	Washoe County, NV	389,872	\$55,433	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 400,000 But Less Than 500,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Ramsey County, MN	494,920	\$60,512	7
2005	Sedgwick County, KS	466,061	\$75,509	5
2008	Sedgwick County, KS	466,061	\$80,887	5
2010	Sedgwick County, KS	466,061	\$83,718	5
2008	Spokane County, WA	440,706	\$88,350	3
2005	Polk County, IA	401,006	\$82,690	5
2008	Polk County, IA	401,066	\$93,016	3
2005	Clark County, WA	403,766	\$94,224	3
2008	Clark County, WA	403,766	\$96,228	3
2010	Tulare County, CA	410,874	\$90,380	3
2010	Monterey County, CA	412,104	\$110,678	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Counties With More Than 500,000 But Less Than 1,000,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2005	Montgomery County, MD	927,583	\$79,721	9
2008	Johnson County, KS	506,562	\$87,075	7
2010	Johnson County, KS	506,562	\$260,000	7
2008	Montgomery County, OH	547,435	\$87,075	3
2010	Hamilton County, OH	806,652	\$87,075	3
1991	Milwaukee County, WI	959,275	\$35,479	25
2000	Milwaukee County, WI	940,164	\$52,227	25
2002	Milwaukee County, WI	940,164	\$50,679	25
2010	Milwaukee County, WI	952,532	\$50,679	19

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)
 Milwaukee County Board of Supervisors

Counties With More Than 1,000,000 in Population

Year	County/State	County Population	Salary per Supervisor/Commissioner	# of Sups./Comms.
2008	Clark County, NV	1,710,551	\$73,971	7
2005	Cook County, IL	5,303,683	\$85,000	17
2008	Franklin County, OH	1,090,771	\$92,474	3
2005	Dallas County, TX	2,305,454	\$117,235	4
2008	San Diego County, CA	2,933,463	\$143,031	5
2010	Santa Clara County, CA	1,699,052	\$143,031	5
2008	San Bernardino, CA	1,963,535	\$155,200	5
2008	Hennepin County, MN	1,119,364	\$93,888	7
2010	Los Angeles County, CA	9,935,475	\$178,789	5

Source Data: Deborah Cox, Deputy Legislative Director, National Association of Counties (NACO)
 Kathryn Murphy, Senior Research Associate, National Association of Counties (NACO)

Surviving: IOWA, VIRGINIA, ARIZONA, CALIFORNIA, WISCONSIN

①
Number of Persons deceased

Year	County, State	DISTRICT POPULATION	Population	Title	Salary	
2008	Arlington County, VA		195,965	Commission Chairman, County Executive	\$49,000	
2005	Schuylkill County, PA	449,149 PER DISTRICT	147,447	County Commissioner	\$50,947	3 INCLUSIVE CHAIRMAN
2010	Johnson County, IA	222,261 PER DISTRICT	117,067	County Commissioner	\$51,017	4
2010	Johnson County, IA		117,067	County Commissioner	\$51,017	
2005	Summit County, CO	53,227 PER DISTRICT	24,892	County Commissioner	\$51,827	3
2005	Waukesha County, WI		378,971	County Council President	\$52,821	
2005	Schuylkill County, PA		147,447	Commission Chairman, County Executive	\$53,162	
2008	Arlington County, VA	39,193 PER DISTRICT	195,965	County Commissioner	\$53,900	5
2008	Henrico County, VA	541,116 PER DISTRICT	280,581	County Commissioner	\$54,675	5
2010	Washoe County, NV	379,744 PER DISTRICT	389,872	County Commissioner	\$55,433	5
2010	Washoe County, NV		389,872	County Commissioner	\$55,433	
2010	St. Louis County, MN	28,168 PER DISTRICT	197,179	County Commissioner	\$55,574	7
2010	St. Louis County, MN		197,179	County Commissioner	\$55,574	
2010	Henrico County, VA		280,581	County Council President	\$55,972	
2010	Henrico County, VA		280,581	County Council President	\$55,972	
2010	St. Louis County, MN		197,179	Commission Chairman, County Executive	\$56,074	
2010	St. Louis County, MN		197,179	Commission Chairman, County Executive	\$56,074	
2005	Greenlee County, AZ	7,521 PER DISTRICT	7,521	County Commissioner	\$56,500	3
2010	Delta County, CO	29,947 PER DISTRICT	29,947	County Commissioner	\$58,500	3
2010	Delta County, CO		29,947	County Commissioner	\$58,500	
2008	Anoka County, MN	46,275 PER DISTRICT	323,996	County Commissioner	\$58,770	7
2010	Anoka County, MN		323,996	Commission Chairman, County Executive	\$59,945	
2010	Anoka County, MN		323,996	Commission Chairman, County Executive	\$59,945	
2010	Anoka County, MN		323,996	County Commissioner	\$59,945	
2010	Anoka County, MN		323,996	County Commissioner	\$59,945	
2005	Ramsey County, MN	70,703 PER DISTRICT	494,920	County Commissioner	\$60,512	7
2010	Gwinnett County, GA		726,273	Commission Chairman, County Executive	\$61,387	5 INCLUSIVE CHAIRMAN
2010	Gwinnett County, GA		726,273	Commission Chairman, County Executive	\$61,387	
2005	Ramsey County, MN		494,920	Commission Chairman, County Executive	\$62,546	
2008	Monroe County, PA		163,234	Commission Chairman, County Executive	\$63,341	
2008	Monroe County, PA	54,411 PER DISTRICT	163,234	County Commissioner	\$63,341	3 INCLUSIVE CHAIRMAN
2008	Dakota County, MN		383,592	Commission Chairman, County Executive	\$64,700	
2008	Dakota County, MN	34,779 PER DISTRICT	383,592	County Commissioner	\$64,700	7
2008	Clermont County, OH	63,530 PER DISTRICT	190,589	County Commissioner	\$65,062	3
2008	Gallatin County, MT		78,210	Commission Chairman, County Executive	\$66,027	
2008	Gallatin County, MT	26,070 PER DISTRICT	78,210	County Commissioner	\$66,027	3
2010	Twin Falls County, ID	33,140 PER DISTRICT	69,419	County Commissioner	\$66,893	3
2010	Twin Falls County, ID		69,419	County Commissioner	\$66,893	
2005	Greene County, MO	23,534 PER DISTRICT	250,784	County Commissioner	\$66,965	3
2005	Kootenai County, ID		127,668	Commission Chairman, County Executive	\$67,000	

NOTE: SOME GEORGIA COUNTIES HAVE COMMISSIONER DISTRICTS AND AN AT-LARGE ELECTED CHAIR SEAT.

Full Time/Part Time

Part-Time
Part Time
3/4 time, FT benefits
3/4 time, FT benefits
Full Time
Full Time
Part Time
Part-Time
Full-Time
FT
FT
FT
FT
FT
FT
Full Time
Part-Time
Part-Time
Full Time
Full-time
Full-time
Full Time
Part-Time
Part-Time
Full-Time
(1) Full-time
(2) Full-time
Full
Full
Full Time
Full Time

Disaster
Population

County
Population

Number of
3,800
Members

2.

1.

2.

1.

3.

2005	Kootenai County, ID	127,668	County Commissioner	\$67,003
2008	Yakima County, WA	231,586	Commission Chairman, County Executive	\$67,692
2008	Yakima County, WA	231,586	County Commissioner	\$67,692
2008	Greene County, MO	250,784	County Commissioner	\$71,615
2010	Vernon County, WI	29,055	County Commissioner	\$73,424
2010	Vernon County, WI	29,055	County Commissioner	\$73,424
2008	Greene County, MO	250,784	Commission Chairman, County Executive	\$73,866
2008	Clark County, NV	1,710,551	Commission Chairman, County Executive	\$73,971
2008	Clark County, NV	1,710,551	County Commissioner	\$73,971
2005	Sedgwick County, KS	466,061	Commission Chairman, County Executive	\$75,509
2005	Sedgwick County, KS	466,061	County Commissioner	\$75,509
2005	Boone County, MO	143,326	County Commissioner	\$78,832
2005	Montgomery County, MD	927,583	County Councilmember	\$79,721
2010	Dallas County, AL	44,366	Commission Chairman, County Executive	\$79,861
2010	Dallas County, AL	44,366	Commission Chairman, County Executive	\$79,861
2008	Sedgwick County, KS	466,061	County Commissioner	\$80,887
2010	Canyon County, ID	164,593	County Commissioner	\$81,961
2010	Canyon County, ID	164,593	County Commissioner	\$81,961
2005	Polk County, IA	401,006	Commission Chairman, County Executive	\$82,690
2005	Polk County, IA	401,006	County Commissioner	\$82,690
2010	Canyon County, ID	164,593	Commission Chairman, County Executive	\$82,852
2010	Canyon County, ID	164,593	Commission Chairman, County Executive	\$82,852
2010	Sedgwick County, KS	466,061	Commission Chairman, County Executive	\$83,718
2010	Sedgwick County, KS	466,061	Commission Chairman, County Executive	\$83,718
2010	Sedgwick County, KS	466,061	County Commissioner	\$83,718
2010	Sedgwick County, KS	466,061	County Commissioner	\$83,718
2005	Cook County, IL	5,303,683	County Commissioner	\$85,000
2005	Ada County, ID	344,727	County Commissioner	\$85,490
2008	Johnson County, KS	506,562	Commission Chairman, County Executive	\$86,946
2008	Johnson County, KS	506,562	County Commissioner	\$87,075
2008	Montgomery County, OH	547,435	County Commissioner	\$87,075
2008	Montgomery County, OH	547,435	County Commissioner	\$87,075
2010	Hamilton County, OH	806,652	County Commissioner	\$87,075
2010	Hamilton County, OH	806,652	County Commissioner	\$87,075
2010	Hamilton County, OH	806,652	County Council President	\$87,075
2010	Hamilton County, OH	806,652	County Council President	\$87,075
2010	Douglas County, CO	249,416	County Commissioner	\$87,300
2010	Douglas County, CO	249,416	County Commissioner	\$87,300
2005	Montgomery County, MD	927,583	County Council President	\$87,694
2008	Spokane County, WA	440,706	County Commissioner	\$88,350
2010	Tulare County, CA	410,874	County Councilmember	\$90,380
2010	Tulare County, CA	410,874	County Councilmember	\$90,380

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2005	Waukesha County, WI	378,971	Commission Chairman, County Executive	\$90,593
2010	Oconee County, GA	29,748	Commission Chairman, County Executive	\$92,276
2010	Oconee County, GA	29,748	Commission Chairman, County Executive	\$92,276
2008	Franklin County, OH ^{363,590 PER DISTRICT}	1,090,771	County Commissioner	\$92,474
2008	Polk County, IA	401,006	Commission Chairman, County Executive	\$93,016
2008	Polk County, IA	401,006	County Commissioner	\$93,016
2008	Hennepin County, MN ^{59,909 PER DISTRICT}	1,119,364	County Commissioner	\$93,888
2005	Clark County, WA ^{134,589 PER DISTRICT}	403,766	County Commissioner	\$94,224
2008	Clark County, WA ^{134,589 PER DISTRICT}	403,766	County Commissioner	\$96,228
2010	Tulare County, CA	410,874	County Council President	\$97,610
2010	Tulare County, CA	410,874	County Council President	\$97,610
2008	Johnson County, MO	50,784	Commission Chairman, County Executive	\$108,014
2010	Monterey County, CA	412,104	Commission Chairman, County Executive	\$108,833
2010	Monterey County, CA	412,104	Commission Chairman, County Executive	\$108,833
2010	Monterey County, CA ^{82,431 PER DISTRICT}	412,104	County Councilmember	\$110,678
2010	Monterey County, CA	412,104	County Councilmember	\$110,678
2005	Cobb County, GA	663,818	Commission Chairman, County Executive	\$111,020
2008	Monroe County, MI	153,935	Commission Chairman, County Executive	\$115,000
2005	Dallas County, TX	2,305,454	County Commissioner	\$117,235
2008	Summit County, OH	546,604	Commission Chairman, County Executive	\$119,513
2005	Clayton County, GA	267,966	Commission Chairman, County Executive	\$124,117
2008	New Castle County, DE	523,008	Commission Chairman, County Executive	\$133,100
2010	Bartow County, GA	89,229	County Commissioner	\$133,723
2010	Bartow County, GA ^{59,229 PER DISTRICT}	89,229	County Commissioner	\$133,723
2008	San Diego County, CA ^{58,669 PER DISTRICT}	2,933,462	County Commissioner	\$143,031
2010	Santa Clara County, CA ^{339,910 PER DISTRICT}	1,699,052	County Councilmember	\$143,031
2010	Santa Clara County, CA	1,699,052	County Councilmember	\$143,031
2008	San Bernardino County, CA ^{577,787 PER DISTRICT}	1,963,535	County Commissioner	\$144,372
2008	San Bernardino County, CA	1,963,535	Commission Chairman, County Executive	\$155,200
2005	Montgomery County, MD	927,583	Commission Chairman, County Executive	\$158,285
2005	Cook County, IL	5,303,683	Commission Chairman, County Executive	\$170,000
2008	Clark County, WA	403,766	Commission Chairman, County Executive	\$170,004
2010	Los Angeles County, CA ^{1,917,075 PER DISTRICT}	9,935,475	County Councilmember	\$178,789
2010	Los Angeles County, CA	9,935,475	County Councilmember	\$178,789
2005	Prince William County, VA	348,588	Commission Chairman, County Executive	\$185,000
2010	Albemarle County, VA	90,717	Commission Chairman, County Executive	\$208,000
2010	Albemarle County, VA	90,717	Commission Chairman, County Executive	\$208,000
2010	Johnson County, KS	506,562	Commission Chairman, County Executive	\$260,000

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2010	Johnson County, KS	506,562	Commission Chairman, County Executive	\$260,000
2010	Johnson County, KS	506,562	County Commissioner	\$260,000
2010	Johnson County, KS	506,562	County Commissioner	\$260,000
2008	Henrico County, VA	280,581	Commission Chairman, County Executive	\$261,166

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Milwaukee County Board of Supervisors

Date: April 10, 2013
To: Representative Tyler August, Chairman
Members, Committee on Government Operations and State Licensing
From: Supervisor David Cullen, District 15, Co-Chairman Committee on Finance, Personnel and Audit
Re: Assembly Bill 85/Senate Bill 95

Thank you, Chairman August, Committee members and other legislators for the opportunity to appear before you to discuss Assembly Bill 85. I am David Cullen. About one year ago, voters in the City of Milwaukee and Wauwatosa elected me as their County Supervisor. In this capacity, I represent more than 50,000 Milwaukee County residents.

I have heard it said repeatedly that the County Board hasn't acted for ten years to enact meaningful reform. While not completely true, this is not Lee Holloway's County Board. We have seven new Supervisors who, like me, were elected within the last year. Working with our Chairwoman, local reform will happen in Milwaukee County soon.

As you have heard and will hear today, there are numerous serious, and, I would argue, fatal flaws in this proposal.

Many of you serving on this Committee today have previous experience either as local elected officials yourselves or, like the Chair, as staff for elected officials.

With that common bond, I would like to speak to you today as a former state legislator, and now County Supervisor, about how this bill would take away my ability, and that of my duly elected colleagues, to do the job we were elected to do. I will share my unique view and experience with you.

Some have suggested that the term Supervisor originated when a Milwaukee County full-time executive was created, and that the position was to be a follower and subordinate to the County Executive. This is not the case. Natural tension between the executive office and the legislative body was intentionally created at all levels of government. This healthy system of checks and balances is purposeful to ensure that government is transparent and accountable to the people.

A system of checks and balances can be found at all units of government. As a former legislator, I understand how this system works in Madison. There was certainly enough disagreement to go around. However, just because there is disagreement between the executive branch and legislative branch, it doesn't mean the response should be to consolidate power in one branch. As an aside, Governor Walker was the County Executive for eight years with a County Board that could sometimes be described as hostile to his policies. Despite this, he worked with the Board to reach compromise. He did not attempt to give himself all the power as is being proposed here.

Discussions about part-time and full-time elected officials are convenient to have, as there are only two options from which to choose. However, how elected officials spend their time and serve their constituents is answerable to the electorate at election time. Some are suggesting that Supervisors should or could work less. In actuality, it is a choice that individual legislators, like you, have to make regardless of the compensation received. Some have said that they did work less. Ultimately, our constituents decide at election time if we are fulfilling our responsibilities to them.

While the County is an arm of the state, Wisconsin Statutes 59.03 (1) provides administrative home rule. It states, "every county may exercise any organization or administrative power, subject to the constitution and to any enactment of the legislature which is of statewide concern and uniformly affects every county." There are many provisions of this bill that do not uniformly affect every county, including:

- limiting the Board budget to a percentage of the levy;
- not allowing department heads to speak to Supervisors; and
- setting Board member compensation.

The examples that proponents have used to explain why this bill is necessary to bring the legislative body in line and to prevent micromanaging are confusing at best when you consider the role of the legislative body. Discussions about requiring department heads to testify and participate in public hearings of standing committees, working with Supervisors to ensure

policy objectives are plausible, assisting in the drafting of policy, and answering questions in response to constituent concerns do not seem like dysfunction to me. These issues all sound like examples of what is expected of the executive and legislative branch.

Just a few weeks ago, the Joint Committee on Finance had state agencies before them for budget briefings on the budget. Assembly Committees are holding information sessions on all administrative rules, not because there is a particular problem but to reassess if the rules are appropriately implementing policy intent, and the department staff and the public are present. Legislators often ask department heads and staff to prepare reports on how legislation will impact residents or how a policy may not be serving the people. It is expected that they will respond and provide answers and explanations.

As a legislator who served under several Governors, Democratic and Republican, it was incumbent upon me to inquire and question practices of departments and directives of the Executive to those departments in carrying out policy. While agency staff clearly works for the Executive, information is public. Whether it was under Governor Thompson, McCallum, Doyle, or Walker, agency heads always provided me with information when I requested it.

AB 85 not only runs counter to these principles but appears to have the potential of ensuring staff in departments and department heads are encouraged not to communicate with the legislative body. In fact, there is language in the bill that the board and its members may deal with departments and subunits of departments solely through the County Executive (page 19 line 25, and page 20 line 1).

Under these restrictions, it is hard to imagine that the County Executive actually would have time to manage the day-to-day operations of government when all of the departments have to ask him to what they can and cannot respond. Believe me, already this is happening, and the bill has not been passed yet.

In addition, this proposal attempts to limit information available to County Supervisors by severely hampering their access to staff through the budget cut provision. Staff is vital to our success as elected officials. We spend a great deal of time with and before the public, and staff creates working relationships with service agency personnel, department staff, and our constituents. Their communications with the executive branch are invaluable to keeping our government and institutions going. Arbitrary restrictions on the budget to prevent the elected officials the same access to information is essentially denying the public information. As a former legislative aide, Representative Tyler August knows how valuable and essential staff is to serving the public.

I am hopeful you will think seriously about if these provisions were applied to the State Legislature how your responsibility to your constituents would be hindered. As a former colleague, I have sat in your chair in the majority and the minority. Many changes and policy provisions passed and failed that I supported and opposed. Change already is happening at the county level, and it will continue. I implore you to consider these simple points:

- shall you place in state statutes language to make it more difficult for the legislative branch to serve the people; and
- shall you create more tension between the County Executive and County Board so less can be accomplished for the residents of Milwaukee County.

Please understand that while this bill certainly is raising the debate and public conversation regarding governance in Milwaukee County, change for change sake is not always beneficial and does not always serve the best interest of the people.

Thank you again for the opportunity to be here today. I would be glad to take any questions.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Testimony of Senator Lena Taylor

AB 85 – Milwaukee County Government

Assembly Committee on Government Operations & State Licensure

Honorable Chairman August and members of the committee:

Thank you for taking testimony today on AB 85 relating to Milwaukee County Government.

This bill is before you because Representative Sanfelippo's passion to address what he experienced as a county board member and his commitment to do what he believes is a solution. Whether a person agrees or disagrees with his position can be argued; however, the reality is that he is in the majority party and has garnered the necessary support.

Moreover, the Chairwoman's statement is true – the board has changed. There are newly elected individuals, who are "learning" what they are elected to do. I hope that the Chairwoman will implement training requirements for the "entire board," and work with the Executive to address both his and county employees training to "confirm" everyone's understanding of their responsibility based on statute not "urban legend".

Based on objective reviews of the facts, everyone would agree there are clearly places where the departments, the board, the executive have all operated outside of their statutory lane in county government. The laws, as they were written in 1959, do not provide the clear direction as to the relationship and balance of power between the county executive and the county board. As a concerned Milwaukee legislator, I was compelled to make my way to the table to advocate for appropriate checks and balances as state legislators sought to recreate those "lanes" for the county board and executive to operate in.

Clearly the largest municipality in the county did not vote in the often mentioned advisory referendum however twelve of nineteen communities in the county did vote in advisory referendums on the questions of downsizing the board or reducing the board to part-time. In my district, the 4th Senate district, Village of Shorewood voters, some of the most active and progressive liberally voters in the county, voted 73% in favor of both questions. In the other 11 communities the support was greater than 80% in favor. Nevertheless, my efforts have afforded citizens of the entire community the ability to vote in a binding referendum on the county board supervisor's salary. I believe that people should also have the opportunity to vote for benefits since the bill proposes a change to benefits which relate to salary.

Since its first introduction, this bill has changed. One of the most notable changes was the salary cap. The original \$15,000 cap was arbitrary and far too low compared to other counties. In this bill, the cap is set at the annual per capita income of Milwaukee County as determined by the US Census Bureau. Most recent determinations indicate the PCI for Milwaukee County is \$24,051. This number was not pulled from the air, but rather was changed to compare relative to other county boards in Wisconsin with executives versus an arbitrary number written firmly in the statutes. The bill also allows for additional compensation to the board chair and the finance committee chair, recognizing their additional duties for the board. Arguably there are other positions that could warrant such adjustments.



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Fax: (608) 282-3544 • Sen.Taylor@legis.wisconsin.gov • www.SenatorTaylor.com

facebook.com/SenLenaTaylor • twitter.com/sentaylor

Unlike the author's original thoughts, the salary is not determined by enactment of this bill but rather by a binding referendum. Moreover, the bill represents the conversations I had, not only to create a referendum, but to move it to April 2014. If the referendum is adopted the enactment of this change would be effective in 2016 allowing for transition time, versus the original proposal to require immediate implementation. This transition should include shifting and restructuring some of the departments & staff under the control of the county board consistent with the statutory lanes for the board and executive. For example, the board currently allocates for 5 committee clerks under the direction of the board. These clerks could be transferred to the county clerk, as that office already provides clerk duties for the board. This is one example of efficiencies that can be created in the county as a result of the bill, but research, fiscal analysis, and counsel are all equally viable options to create efficient use of resources to consider.

Let's talk county board budget. I reject the assertion that this bill is a 66% cut to the board's budget that would prevent it from performing its elected duty. According to the official budget documents for the county, the board's budget is \$6.6 million, currently allocates just over \$3 million dollars for salaries for supervisors and staff, and another \$2.311 million is allocated to benefits. In addition, another \$758,000 is allocated to county service charges. This bill and the transition, which will be a local decision, allows the board and county executive to preserve staff and duties in other departments that will serve the entire county. This could include the research staff and committee clerk staff, which represent over \$1 million dollars of the budget, as well as other current staff to the board. I have repeated numerous times to the County Executive and the County Board Chair my desire to see just such transfers occur so that we may maintain agencies that serve both the board and executive with information and research in order for each to do what they were elected to do – serve the people. It is impossible for a legislative body to perform its duties without staff, research persons and support roles. The bill will continue to allow the board to support that role.

Throughout the discussion of this bill, there has been repeated concern that the bill eliminates the ability of supervisors to communicate and gather information regarding county issues from department heads and staff. This bill clearly outlines that the supervisors will have every right to make inquiry to department staff and communicate constituent's concerns. It is important for me to state that I do not support any attempt to limit the ability of the legislative body to perform oversight over executive agencies. This provision in the bill allows for that oversight, for the gathering of information, and for the conduct of constituent services. Additionally, the bill was changed to provide extreme clarity that the corporation counsel is always accessible to the members of the board as the county's attorney.

There are numerous places in the bill where some have claimed that the executive has unilateral power. I have found four new powers for the executive that are not transfers of duties. One of these powers is the mandating a special meeting of the board. First of all let me explain that current law allows ten members of the board to petition to call a special meeting, nor does it allow the executive to request or have any official input into the calling of a special meeting. Original drafts did include this provision on the part of the executive, however the bill clearly now only allows the executive to request a special meeting of the board and the board chair would have to agree that such a meeting should be held before the board may convene under this power.

Contracting and the sale and acquisition of property are subjects in this bill. The bill modifies current practice of contract review. Currently, contracts under \$50,000 in value are not reviewed by the board and those over \$50,000 are. Under the bill, all contracts under \$100,000 are not reviewed by the board, those from \$100,000-\$300,000 are reviewed in a passive review manner by the finance committee, and those over \$300,000 require full board approval. Supervisors have raised question about the need for the "parent" committee to also review contracts alongside the finance committee. This suggestion has merit and should be considered. Additionally,

regarding the sale or acquisition of property, language as been added to ensure that county policy is always followed regarding this provision. It is important to note that such procurement and sale needs to have clear policy adopted by the board which will govern the executive's action, just as we have made procurement laws for the state. This provision ensures that Milwaukee County will have procurement policies.

At a time when many suggest that there is less oversight as a result of this bill, I will point out the role of the elected County Comptroller. This is the people's fiscal watchdog that was created in the last session of the Legislature. This office reviews and signs all contracts entered into by the county. Throughout the last year the comptroller's office has worked as it was intended to provide oversight of these matters. This is a lane that we have preserved and will utilize as a protection for the people of Milwaukee County.

There are numerous other changes to the powers and conduct of county government in Milwaukee County listed in this bill. Many of them are not controversial and are not disputed, and simply represent the changing of the word "board" to "executive" consistent with the intent of the bill.

There are provisions of the bill that need changes and I would like to see resolved. First and foremost is the addition of the binding nature of the Intergovernmental Cooperation Council action on any shared consolidation agreements. This bill allows the ICC to act as a legislative body and approve or reject any collaboration the county and a municipality wishes to engage in. The ICC should not have this legislative power, as all communities already have a seat on the county board. As a commissioner on MMSD, I know that the non-binding nature of the ICC providing advice and information greatly affects the commission decision. At MMSD we have actively sought the input of the ICC so that we may be well advised and their input is strong and well received. It is a role that is functioning well. This provision also speaks to trust and the desire to overcompensate to prevent certain actions, often informed by past actions where trust has been violated. We can find ways to honor the critical voices of all bodies in the county and not create binding actions that can hamper efficiency.

Additionally, this bill contains a provision allowing the executive to introduce proposals to the board. In current practice, the board is acting on resolutions and matters submitted by the departments without a supervisor sponsor. However, except for appointments and the budget, none of these items are directly introduced by the executive. This provision highlights the very need for the lanes we are seeking to create in the bill. We cannot reaffirm the legislative power of the board in one place and allow the executive to come in that lane in others. In a short review of Dane County actions, I did not see one item introduced by the executive. Perhaps the Milwaukee County board even needs to reassess whether or not it will continue its local practice of department submitted legislation. In any case, I do not see the wisdom nor the need for this provision to be in the statutes of the state.

In conclusion, thank you for this hearing today. It is my hope that the facts about this bill can be presented and provided to the community throughout the Legislature's consideration. This bill is part of our lane as state legislators to direct and help guide our local entities, in this case Milwaukee County. We have acted often in the past to directly affect Milwaukee County's operation. It would be preferable to have Milwaukee County make these changes themselves. However, it has been 93 days since the introduction of the first draft of this bill and I have yet to see a plan to change the operations of Milwaukee County in the form of legislative action for the board. I encourage the county to continue work in that regard so that we may pursue that option, but we should continue our legislative process in the absence of local action.

Thank you.



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

April 10, 2013

First of all, I would like to thank you, Chairman August, and all of the other committee members for allowing me to testify on Assembly Bill 85.

- I am pleased to co-sponsor this bill, because I believe in local control.
- From 2006 to 2013, I served on the Manitowoc County Board of Supervisors. From 2010 to 2012 I was chairman of that board.
- AB 85 allows local control by returning it to the people who are paying the bills: the taxpayers.
- Some people have argued this bill violates the principle of local control. They say the matter should be left to the people of the county to decide.
- The problem with that approach is that Milwaukee County does not allow for petition and referendum. In a nutshell, that means the voters are not able to circulate a petition to place a referendum on the ballot.
- Others argue this approach takes power away from the county board and broadens the power of the county executive.
- The role of a county board is not to run the day-to-day operations of the county. That is the role of the county executive.
- In Manitowoc County the board sets policy and works on the budget, and the county executive runs the operations.
- That is how the state statutes intend the county board to function.
- The county executive is not able to do anything he wants but acts within the job description and answers to the board. The board maintains ultimate control through the budget process.
- In that way, county government effectively serves residents of the county.
- I ask you to pass and support this bill to return local control to the people of Milwaukee County where it belongs.

Thank you for allowing me to provide this testimony.

Respectfully,

Paul Tittl

MAHLER ENTERPRISES, INC.

April 4, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly
Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

Dear Representative August and Members of the Committee on Government Operations and State Licensing:

When Milwaukee County took on its current model of government in 1960, the board was part time. Between 1960 and the mid-1970s, that part-time board, working with County Executive John Doyme, gained national recognition for ambitious, successful projects including a new zoo, Mitchell Park Domes, the Performing Arts Center and the Regional Medical Complex. Many of the County's problems began after county supervisors, under the leadership of Tom Ament, made themselves "full time" with extensive benefits including lifetime health insurance, pensions and in 2001 the infamous pension backdrop.

No other County has the fiscal and governance challenges that Milwaukee has. The cost of Milwaukee County governance goes well beyond the dollars expended in the departmental budget. The history of dysfunction has been incredibly costly, leading to increased taxes, decreased services and an inability and unwillingness to make substantive changes that would save taxpayers money and restore county services to an excellent level. Milwaukee County has had numerous opportunities to reform itself, but has refused to do so time and time again.

This legislation is the change that is needed for Milwaukee County. It will free up additional financial resources to support the vital services provided by Milwaukee County government, including parks, transit and mental health services. I ask that you and your colleagues support this legislation and the positive changes it will bring to Milwaukee County.

Sincerely,



Peter Mahler
President

CC: Wisconsin State Assembly Committee on Government Operations and State Licensing
Wisconsin State Senate Committee on Elections & Urban Affairs

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AUSTIN M. RAMIREZ
PRESIDENT AND CEO

April 4, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly
Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

Dear Representative August and Members of the Committee on Government Operations and State Licensing:

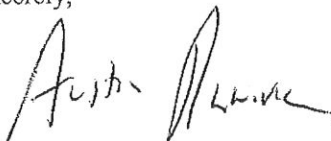
I am writing to urge you to support legislation that would align Milwaukee County with other Wisconsin counties by making Supervisors part time, pending voter input through a binding referendum, and clarifying the legislative and executive roles.

By restoring a part-time board, supervisors will be more responsive to their community. This change will increase the ability of a wide range of citizens to participate in the legislative process. As citizen-legislators, Supervisors will be able to be active members of the community, accessible and sensitive to the needs and interests of neighbors and colleagues. With a county board and staff no longer focused on micromanaging and otherwise trying to assume the administrative functions of the executive, they will have substantial resources to focus on constituent services.

We need smarter, more effective and more cost-efficient government if we are to protect and enhance the key services that make our community a great place to live, work and play. The time is right to empower citizen-legislators, by instituting a part-time county board just like every other county in the state. Making the Milwaukee County Board part-time, and bringing overall staffing in line with state and national norms, will quickly and effectively foster good governance and effectively meet the needs of taxpayers. As a result, the state's most important economic engine will be better equipped to create jobs, rather than being held back by the actions of the board.

We have a unique window of opportunity to achieve true change for Milwaukee County, but we need your support. Please vote to support this legislation and the benefits it will afford current and future Milwaukee County residents, and taxpayers.

Sincerely,



CC: Wisconsin State Assembly Committee on Government Operations and State Licensing
Wisconsin State Senate Committee on Elections & Urban Affairs

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April 8, 2013

Representative Tyler August

Chair, Committee on Government Operations and State Licensing

Wisconsin State Assembly

Room 119 West

State Capitol

P.O. Box 8952

Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

Dear Representative August and Members of the Committee on Government Operations and State Licensing:

At the United Community Center (UCC), we are celebrating more than 40 years of providing quality programs and making a difference in the lives of Milwaukee youth, seniors and families. Through my time serving as Executive Director I have learned a lot. Most importantly, I have learned that actions speak louder than words and that results speak for themselves.

Unfortunately, in Milwaukee County recent results have been somewhat disheartening. For decades, we have seen the County's fiscal crisis impact the services that our community most depends on, including parks, transit and behavioral health services.

It was not always this way. There was a time that Milwaukee County achieved national recognition and completed ambitious, successful projects under a part-time board. Projects that now define Milwaukee, like the zoo, Mitchell Park Domes, the Performing Arts Center and the Regional Medical Complex were accomplished under part-time board leadership.

It is also not a coincidence that many of the County's problems began after county supervisors, under the leadership of Tom Ament, made themselves "full time" with extensive benefits including lifetime health insurance, pensions and, in 2001, the infamous pension backdrop.

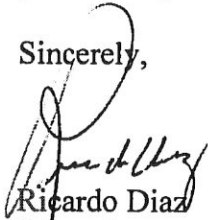
This history of dysfunction has been incredibly costly, leading to an inability to make the substantive changes that would enable us to restore and enhance critical services. Milwaukee County has had numerous opportunities to reform itself, but has refused to do so time and time again. The bottom line is that actions speak louder than words and it is time to do more than simply talk about the changes that are needed to reform Milwaukee County government. Now is the time for action.



The reforms outlined in legislation authored by former County Supervisor Joe Sanfelippo will help us get Milwaukee back on track, back to a time of prosperous, ambitious results. The individuals that we serve through the UCC deserve the best services that can be offered and leadership that is willing to do what is best for their constituents.

I support legislation that would reform Milwaukee County governance and the positive impacts it will have on the community. I encourage you to do the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Ricardo Diaz", is written over the printed name.

Ricardo Diaz
Executive Director
United Community Center

CC: Wisconsin State Assembly Committee on Government Operations and
State Licensing
Wisconsin State Senate Committee on Elections & Urban Affairs

April 4, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly
Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

Dear Representative August and Members of the Committee on Government Operations and State Licensing:

I am writing to urge you to support legislation that would align Milwaukee County with other Wisconsin counties by making Supervisors part time, pending voter input through a binding referendum, and clarifying the legislative and executive roles.

By restoring a part-time board, supervisors will be more responsive to their community. This change will increase the ability of a wide range of citizens to participate in the legislative process. As citizen-legislators, Supervisors will be able to be active members of the community, accessible and sensitive to the needs and interests of neighbors and colleagues. With a county board and staff no longer focused on micromanaging and otherwise trying to assume the administrative functions of the executive, they will have substantial resources to focus on constituent services.

We need smarter, more effective and more cost-efficient government if we are to protect and enhance the key services that make our community a great place to live, work and play. The time is right to empower citizen-legislators, by instituting a part-time county board just like every other county in the state. Making the Milwaukee County Board part-time, and bringing overall staffing in line with state and national norms, will quickly and effectively foster good governance and effectively meet the needs of taxpayers. As a result, the state's most important economic engine will be better equipped to create jobs, rather than being held back by the actions of the board.

We have a unique window of opportunity to achieve true change for Milwaukee County, but we need your support. Please vote to support this legislation and the benefits it will afford current and future Milwaukee County residents, and taxpayers.

Sincerely,



Tom Long
6836 North Barnett Lane
Milwaukee, WI 53217

cc: Wisconsin State Assembly Committee on Government Operations and State Licensing
Wisconsin State Senate Committee on Elections & Urban Affairs

April 5, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly
Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

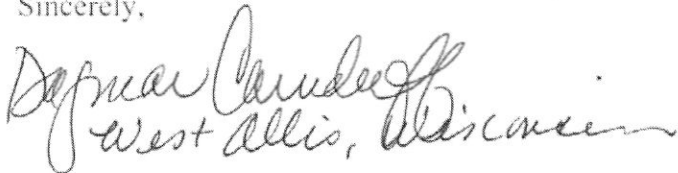
Dear Representative August and Members of the Committee on Government Operations and State Licensing:

When Milwaukee County took on its current model of government in 1960, the board was part time. Between 1960 and the mid-1970s, that part-time board, working with County Executive John Doyne, gained national recognition for ambitious, successful projects including a new zoo, Mitchell Park Domes, the Performing Arts Center and the Regional Medical Complex. Many of the County's problems began after county supervisors, under the leadership of Tom Ament, made themselves "full time" with extensive benefits including lifetime health insurance, pensions and in 2001 the infamous pension backdrop.

No other County has the fiscal and governance challenges that Milwaukee has. The cost of Milwaukee County governance goes well beyond the dollars expended in the departmental budget. The history of dysfunction has been incredibly costly, leading to increased taxes, decreased services and an inability and unwillingness to make substantive changes that would save taxpayers money and restore county services to an excellent level. Milwaukee County has had numerous opportunities to reform itself, but has refused to do so time and time again.

This legislation is the change that is needed for Milwaukee County. It will free up additional financial resources to support the vital services provided by Milwaukee County government, including parks, transit and mental health services. I ask that you and your colleagues support this legislation and the positive changes it will bring to Milwaukee County.

Sincerely,


Daphne Cardeff
West Allis, Wisconsin

CC: Wisconsin State Assembly Committee on Government Operations and State Licensing
Wisconsin State Senate Committee on Elections & Urban Affairs

April 9, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly
Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Reform Legislation

Dear Representative August:

I am writing to ask you to support legislation that would help Milwaukee County by rightsizing the Supervisors' budget and by fixing the governance issues that exist in Milwaukee County.

Milwaukee's parks and transit are critical to our quality of life and economic development. Both are underfunded, in large part because of the bad managing of the county's finances. Unfortunately, citizens don't pay enough attention to Milwaukee County. As a result, Supervisors put their own needs and the needs of county employees ahead of the needs of the citizens of Milwaukee County, and then cynically claim that a referendum on their salary is not necessary because they win elections that are often uncontested and always have low turnout. It's politics at its worst.

It is obvious that Milwaukee County is not going to reform itself. Even with our economic challenges, the county could be performing much better if its elected officials consistently put the interests of the people first. This legislation helps that happen by paying Supervisors a salary commensurate with their workload and by fixing a governance structure that all but guarantees dysfunction.

This legislation, or something like it, is a long time coming. It is rare to have the opportunity to fix a system that puts politicians ahead of the people. This legislation does that. I ask that you support it.

Thank you,

Jessica Holton
2924 N Pierce St
Milwaukee, WI 53212

Badger Meter, Inc.

4545 W. Brown Deer Road
Milwaukee, Wisconsin 53223
P.O. Box 245036
Milwaukee, WI 53224-9536 (414) 355-0400

Richard A. Meeusen
Chairman, President and CEO



April 4, 2013

Representative Tyler August
Chair, Committee on Government Operations and State Licensing
Wisconsin State Assembly, Room 119 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Milwaukee County Governance Reform Legislation

Dear Representative August and Members of the Committee on Government Operations and State Licensing:

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By restoring a part-time board, supervisors will be more responsive to their community. This change will increase the ability of a wide range of citizens to participate in the legislative process. As citizen-legislators, supervisors will be able to be active members of the community, accessible and sensitive to the needs and interests of neighbors and colleagues. With a county board and staff no longer focused on micromanaging and otherwise trying to assume the administrative functions of the executive, they will have substantial resources to focus on constituent services.

We need smarter, more effective and more cost-efficient government if we are to protect and enhance the key services that make our community a great place to live, work and play. The time is right to empower citizen-legislators, by instituting a part-time county board just like every other county in the state. Making the Milwaukee County Board part-time, and bringing overall staffing in line with state and national norms, will quickly and effectively foster good governance and effectively meet the needs of taxpayers. As a result, the state's most important economic engine will be better equipped to create jobs, rather than being held back by the actions of the board.

We have a unique window of opportunity to achieve true change for Milwaukee County, but we need your support. Please vote to support this legislation and the benefits it will afford current and future Milwaukee County residents and taxpayers.

Sincerely,

BADGER METER, INC.



Richard A. Meeusen
Chairman, President and CEO

cc: Wisconsin State Assembly Committee on Government Operations and State Licensing
Wisconsin State Senate Committee on Elections and Urban Affairs

CHARLES C. MULCAHY

6445 North Lake Drive
Milwaukee, WI 53217

State Representative Tyler August
Chair, Committee on Government Operations
and State licensing

Re: AB 85

April 10, 2013

My name is Charles C. Mulcahy. I am a retired attorney and resident of Milwaukee County. Theo Lipscomb is my county elected representative.

I served as an elected member of the Milwaukee County Board of Supervisors for 12 years from 1964 to 1976. I have been directly or indirectly involved with the county on various matters since 1964.

More recently, I was a member of the County Ethics Study Committee, which after about two years of study and deliberation, recommended a new code of ethics for county government which was unanimously adopted.

During my years on the county board, the county experienced tremendous growth. We took over the bus company and assisted in the development of the Performing Arts Center. We assumed operation of both Villa Terrace and the Charles Allis Art Museums. We acquired by gift the current site of the Milwaukee County Historical Society and we laid the foundation for what is now the Milwaukee Regional Medical Center. Nearly all county employees were organized at that time and we developed the necessary management structure needed for negotiations and contract administration. We also opened a new zoo and the Mitchell Park Domes. All of these projects involved major policy decisions which we made by the county board in conjunction with the county's first County Executive John L. Doyne.

As we all know, over the past 20 years, the Milwaukee County has dramatically downsized. The county is no longer taking on new programs and expanding. The county no longer operates county hospital, the Milwaukee Public Museum, the county power plant, county fire station and the fire/rescue operations in the Milwaukee Regional Medical Center. The State of Wisconsin has taken over several significant social services including Aid to Families with Dependent Children (AFDC), child welfare and eligibility for food stamps, Medicaid and child care assistance.

When I voluntarily left the county board, we had over **11,000 employees**. Today, the county has about **4,400 employees**.

When I left, we had less than **10 county staff people**. Today, the county board has about **38 staff positions**.

When I left, the **county board budget** for 1976 was **\$1,092,000**. Thirty-seven years later, the county provides about ½ the services with ½ the employees but the county board budget is over 5 times larger than 1976 at **\$6.5 million dollars**! Any company with those negative numbers would go out of business but government, as we know, normally does not go out of business.

In late 2011, I decided to contact some of my former colleagues to ask their opinions about the county situation including:

- Robert C. Brunner who is currently the Village President of River Hills.
- Michael J. Barron, retired, who went on to be a Milwaukee County Circuit Judge and eventually chair of board of judges.
- Thomas A. Bailey, retired attorney.
- Robert L. Jackson, Jr., former chairman of the county board and practicing attorney.

Barron and Jackson are Democrats and Brunner and Bailey are Republicans. I asked them what they thought of the current situation with the county board. We all agreed that the county board needed to significantly downsize itself and work to operate more efficiently and effectively.

Rather than just talk about it we decided to put our names on the line by publishing an article summarizing our position on county reform. We exchanged several drafts and everyone had input. On December 20, 2011, the Milwaukee Journal Sentinel published the article: ***"Board isn't listening to the public"***. We outlined our concerns in that article in an effort to gain the attention of the county board and our community. The county board completely ignored the article and never bothered to contact us for further input.

By the end of the year, I decided to do something further about the non-responsiveness of the county board. We needed some direction from the general public concerning county reform. Supervisors Rice and Sanfelippo tried to get an advisory referendum on reducing the size of the board from 18 to 9 on the ballot for the April, 2012 election. As you may know, the county board refused to place this on the ballot and it did not offer any alternative referendum question on the ballot.

Shortly thereafter, I attended a meeting of the Milwaukee County Intergovernmental Cooperation Council (ICC) to get some reaction concerning the possibility of having the 19 municipalities place the county reform question of reducing the size of the board from 18 to 9 on referenda in their communities. With the leadership, support and assistance of ICC Chair and Franklin Mayor Tom Taylor and ICC Vice-Chair and Greenfield Mayor Mike Neitzke, we convinced 12 of the 19 municipalities to place the downsizing issue on the ballot. All of the North Shore communities except Glendale placed this advisory referendum on the ballot. I regret to say that my current supervisor, Theo Lipscomb lobbied the Glendale City Council to keep the referendum off the ballot. Supervisor Lipscomb was successful and the people in Glendale never had the opportunity to vote on this issue.

The results of the April, 2012 advisory referendum were astonishing. Not every community voted, but those that did, voted overwhelmingly (about 80%) in favor of reducing the size of the board and sending a clear reform message to the county board. This was clearly a bi-partisan vote. Both liberals and conservatives, Democrats and Republicans and informed followers of county government were in agreement – county reform was urgently needed.

Not surprisingly, just like our article of several months earlier, the county board chose not only to ignore the results of the electorate but as one supervisor summarized, the referendum was “not worth the paper it was written on.” Since the astonishing vote supporting reform, county board members have dismissed the vote as irrelevant and meaningless. The county board continued to ignore the will of the people.

Now we have the Representative Sanfelippo’s attempt to achieve county reform using a local government model which has been used successfully in Wisconsin and throughout our county. The county Executive is elected to run the day to day operations of county government. The county board, for the first time, is told not to become involved in the day to day operations. Department heads report to the county executive. The county executive is responsible for negotiations with county employees. The county executive and not 18 county board members handles negotiations concerning real estate. The county board retains the ultimate authority on all fiscal matters including the county budget. The county board determines the configuration and size of departments but it is denied the authority to become involved in day to day decisions.

This is an approach which has been successfully used in multiple local governments throughout the U.S. We do not need 19 county executives in Milwaukee County. This is not about a power grab. It is not about Chris Abele. It is about how to structure an effective county government which may, in the alternative, be faced with extinction.

I want to thank State Representative Joe Sanfelippo on his leadership and vision in bringing these issues to the forefront and developing a specific plan for reform. He has performed a great public service in developing this legislation which I recommend be adopted. This will not ultimately hurt the county board. Rather, it will help county government to operate more efficiently and effectively to benefit county taxpayers, county employees and county government. This is an opportunity for the county to step forward with legitimate reform which will benefit everyone.

Please feel free to contact me with any follow up questions at cell: 414-254-6333 or email: chasmulcahy@wi.rr.com

Thank you and your committee members for your public service as well.

A handwritten signature in dark ink, appearing to read "Charles C. Mulcahy", written in a cursive style.

Charles C. Mulcahy



Board isn't listening to the public

By Michael J. Barron, Robert C. Brunner, Thomas A. Bailey, Robert L. Jackson, Jr. and Charles C. Mulcahy
Dec. 20, 2011

As former elected members of the Milwaukee County Board of Supervisors, we have watched the ongoing downsizing of county government over the past several years. During our time in office, Milwaukee County was on the cutting edge of many projects and issues that ultimately made this a better community.

Milwaukee County Hospital provided state of the art "one standard of care" for all patients. The county took over the bus company to make sure all our citizens had transportation for work and personal matters. The county assisted in the development of the Performing Arts Center and assumed operation of both Villa Terrace and the Charles Allis Art Museum, all under the auspices of the Milwaukee County War Memorial. The county acquired, by gift from the First Wisconsin National Bank, the current site of the Milwaukee County Historical Society. The county built a mental health complex. The combination of county and private sector leadership resulted in the formation of what is now the Milwaukee Regional Medical Center.

County government had challenges but the board was able to unite in resolving the issues including the closing and demolition of County Hospital, which resulted in expansion of the highly successful and comprehensive Froedtert Hospital complex.

County government started to downsize with the closing of County Hospital, and followed by privatizing the Milwaukee Public Museum. In addition, during the past 15 years, state government has taken over several significant social services functions previously provided by the county, including Aid for Families With Dependent Children (which was replaced by W-2), child welfare and eligibility for food stamps, Medicaid and child care assistance. In the Milwaukee Regional Medical Center, the county sold the power plant, closed the county fire station and turned the fire/rescue operations over to the City of Wauwatosa.

When we served county government, there were over 11,000 county employees. By 2001, there were 7,395 county employees and by 2010, the number of county employees was further reduced to 5,457.

When we served, Milwaukee had about double the number of county employees. The county operated a hospital and massive amounts of time and energy were spent on the needs of welfare recipients.

All of us were part-time legislators, and the compensation was on the average less than one-third of the current supervisor salary of \$50,000. We had no staff other than the four or five committee clerks and a secretary to the County Board chairman who would occasionally help with some letters. We drafted our own legislation, and we focused our primary energy on the business of county government.

The current County Board has 19 legislative aides to the board members, five committee services staff, seven administrative operations staff, six community business development partners staff, five research

services staff and two intergovernmental relations staff for a total of 44. This does not include 19 supervisors and the 14 people working in audit.

There are few, if any, significant policy issues facing county government that require supervisors to have extensive staff.

Instead of meaningful downsizing reflecting the major reduction in the responsibilities and size of county government, the County Board conveniently went from 19 to 18 members. Instead of reducing compensation, County Board members continue to receive compensation, including salary and benefits, of approximately \$75,000 each per year.

The combination of these factors prompted the proposed referendums providing the citizens of Milwaukee County with the opportunity to vote on whether the County Board should be reduced from 18 to nine and board members serve part time. Several days ago, the Milwaukee County Personnel Committee, by a 4-3 vote, recommended the County Board place these questions on the April 3 ballot. The full County Board discussed and debated the referendums at its meeting on Dec.15 and voted to place it on file.

Five supervisors, Mark Borkowski, Paul Cesarz, Joseph Rice, Joseph Sanfelippo and Luigi Schmidt, supported placement of the referendums on the ballot; 14 voted to kill it.

By ignoring public opinion and refusing to seek public input, the County Board is perceived by many as an island.

Now the Intergovernmental Cooperation Council and the 19 municipalities of the county are considering the placement of these two issues on their municipal ballots to provide their residents with an opportunity to express their opinions. Several communities, including the villages of Whitefish Bay, River Hills and Shorewood and the cities of Greenfield and Franklin are committed to doing so.

We urge all 19 municipalities to approve these referendums.

This op-ed was written by former members of the Milwaukee County Board Michael J. Barron, Robert C. Brunner, Thomas A. Bailey, Robert L. Jackson, Jr. and Charles C. Mulcahy.

Find this article at:

<http://www.jsonline.com/news/opinion/board-isnt-listening-to-the-public-jl3h2q8-135965583.html>

☐ Check the box to include the list of links referenced in the article.

Written Statement for Public Hearing Regarding Wisconsin Assembly Bill 85
State Capitol, April 10, 2013
Submitted by Dr. Martin F. Farrell, Ph.D.
Supervisor, District 1, and Chair, Fond du Lac County Board of Supervisors
931 Watson Street
Ripon, WI 54971
920/896-0024
Martin.Farrell@fdlco.wi.gov

I wish to thank the members of the Wisconsin Assembly for the opportunity to express my deep concerns about both the contents and the future implications of Assembly Bill 85 as presently constituted. From my perspective, it is a radical and threatening proposal, one with dangerous implications for the future of representative government in our beloved state.

First of all, I consider A.B. 85 an unwarranted and even undemocratic intervention into the internal functioning of a unit of local government. While we have been assured that the current bill would apply only to Milwaukee County, in fact its passage would represent a precedent that would allow the state legislature to dictate details of internal operations to any county at any time. While I realize that Article XI, Section 3 of the Wisconsin State Constitution grants home rule explicitly only to cities and villages, it seems to me that prudent and careful people should agree that its general principle should be followed with respect to all local units of government. That principle is that the legislature should interfere with the internal structure and functioning of local governments only regarding "matters of exclusively statewide concern," using the wording of several court cases on the matter. Unfortunately, in reading AB 85 carefully, I do not detect even a single matter of "exclusively statewide concern" involved. Passage of this bill would set a precedent that any legislator who had failed to get his way through the normal channels of representative government could impose virtually anything on any county at any time that he could convince a majority of his fellow legislators to do so. I hope you can understand why any responsible county board supervisor in any county would consider that to be an extremely dangerous precedent. That is also the reason that several County Boards other than Milwaukee County have already passed, or are considering, resolutions opposing A.B. 85. I hope that you and your colleagues will give these resolutions and the concerns they express careful consideration in your deliberations regarding this bill.

Secondly, in a letter of April 1, Rep. Sanfelippo stated, "any changes to representation will be done by local citizens and not the state legislature." In fact, in reading the actual bill, the only matter to be addressed in the proposed referendum is that regarding Board members' compensation. Many, many other extremely significant changes in the operations of Milwaukee County Government would be mandated by unilateral legislative fiat if A.B. 85 were enacted. These include a massive strengthening of the authority of the County Executive and a correspondingly massive reduction in the authority of the County Board, the cutting in half of Board terms of office, the limiting of County Board expenditures to four tenths of one percent of the County tax levy, the termination of the Board's ability to enter into intergovernmental agreements or collective bargaining, and many other important changes. Never before in state history, I believe, has there been such a massive intervention by the state legislature into the internal operations of a local government. And, contrary to the statement in Rep. Sanfelippo's letter, the voters of Milwaukee County will have absolutely nothing to say about the overwhelming majority of these changes.

Third, this proposal threatens to destroy the operations of checks and balances at the local level. With the County Board enfeebled in this manner, near – total control of county government would fall into the hands of the County Executive and unelected bureaucrats. Why anyone truly interested in good government would make such a radical proposal defies logic, in my view. By far the most egregious abuses in Milwaukee County in recent years have come from the County Executive's office: the pension abuse scandal under Mr. Ament and the five felony convictions of top aides of Scott Walker. To massively shift power and authority away from the elected board to

this highly compromised office not only defies logic but also directly contradicts one of the truest and most time – tested principles of American government: the need for checks and balances.

I talk with many dozens of people in and around Fond du Lac County every week. Not in many years has a single one of them mentioned being concerned about the matters addressed in A. B. 85. If the citizens of Milwaukee County wish to make changes in the structure or personnel of their county government, they have abundant opportunities to do so without the intervention of the state legislature. If the Milwaukee County Board is doing things that are clearly and egregiously wrong, reform candidates should run for the Board, and if they are able to convince a majority of the voters of the need for these reforms, then they will be elected, and they can proceed to implement the reforms. But for an outside body to unilaterally and arbitrarily impose such massive changes in a county's governance structure seems to me to be fundamentally undemocratic and to set a precedent that endangers the integrity and responsibility of local governments all over the state.

I also have serious reservations regarding the one matter that A.B. 85 would submit to a referendum, namely, Board compensation. Reasonable people can disagree about the appropriate level of compensation, but I do not feel that a referendum is a proper way to establish it. The American founders gave us a representative democracy, not a direct democracy. Representative government allows the elected representatives to discuss, debate and give careful consideration to such matters as compensation; in short, they are able to deliberate over the matter. Simple up or down referenda allow for no such careful deliberation, and therefore are easily susceptible to manipulation by special interest groups.

We in Fond du Lac County have already paid a heavy price for a similarly ill – conceived referendum, when our Board was arbitrarily cut in half in 2007. We then struggled to fulfill our responsibilities for four years, simply because we did not have enough Board members to staff the needed number of committees, most of which are mandated by state law. Based on this unsatisfactory functioning, the Board decided, in near – unanimity, that we needed to expand from 18 to 25 members for the 2012 spring elections. Having done that, we are now functioning smoothly and efficiently once more. Any cost differences were non – existent or negligible compared to the negative impact of the referendum on the effectiveness of our operations. Hence, our experience with the 2007 legislature – authorized referendum in Fond du Lac County was that it was a huge waste of time and effort and did nothing but seriously impair the operations of county government for four years.

In summary, I believe that there are a number of compelling reasons to reject A. B. 85. As a representative of county government with almost two decades of public service, I know that we already face many legislature – imposed restrictions on our freedom of action, including unfunded mandates, rate freezes and levy limits. We do our best to work within these restrictions, but I would ask you to please think very carefully before adding still more to them with measures such as the current proposal. I will greatly appreciate any consideration that you are able to give my remarks as reflected in this statement.



VILLAGE OF GREENDALE



6500 NORTHWAY
P.O. BOX 257
GREENDALE, WI 53129-0257
414-423-2100
FAX 414-423-2107

April 10, 2013

John R. Hermes
Village President
Greendale, Wisconsin

Statement regarding AB85.

While I have not had opportunity to vet all provisions of Assembly Bill 85 and its intent to reform Milwaukee County government, and while I do not believe that the State Legislature should intrude upon Home-Rule issues within counties and municipalities, I can provide statement regarding two significant components of this legislative proposal.

On April 3, 2012, the voters of the Village of Greendale went to their polling sites and cast their ballots upon two Milwaukee County reform referendum questions. The questions and results follow:

Question 1: Should County Supervisor compensation be based upon a part-time position? 83.4% of Greendale voters voted in the affirmative.

Question 2: Should there be a reduction in size of County Board? 86.27% of Greendale voters voted in the affirmative.

Eleven other Milwaukee County communities in addition to Greendale had very similar percentages reported within these same and simple referendum questions. Yet, the Milwaukee County Board failed to take reform actions of any substance.

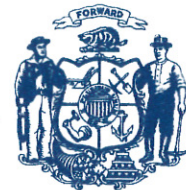
I must reiterate, as a Village President I stand opposed to State Government's reach into in local Home-Rule issues, however in this case, the voters have asked the County Board for change through this referendum, and the County Board to date has chosen to ignore the voters decision.

Therefore, I stand with fellow Greendale voters who overwhelmingly cast their vote in favor of these two significant issues regarding Milwaukee County Government reform.

* * * * * End of Statement * * * * *



STATE REPRESENTATIVE
18th ASSEMBLY DISTRICT



April 10, 2013

Testimony by State Rep. Evan Goyke in Opposition to Assembly Bill 85

To: All Members of Wisconsin State Assembly Committee on Government Relations and State Licensing

Chairman August, fellow members of the State Assembly, I would like to thank you for giving me an opportunity to testify today. I speak today in opposition to Assembly Bill 85.

Assembly Bill 85 is bad legislation. Today you'll hear from a number of different people, on both sides, and I don't want to mince words or repeat what many of the speakers will say. So, simply, Assembly Bill 85 is bad legislation.

Assembly Bill 85 is bad legislation for a whole host of reasons, but today I will focus on three.

First, Assembly Bill 85 is shortsighted. Micro-managing the budget of one county, based on a percentage of the property tax levy, will, inevitably, force us to fix this bill in the future. The math equation that is used to reduce the Milwaukee County Board's operating budget will need changing in the near future because Milwaukee County's tax levy will continue to change. The legislature will be required to act to make any minor changes as problems arise. So far this session we've spent time on bills aimed at fixing gaps, shortcomings and unintended consequences of shortsighted legislation. Assembly Bill 85 will be yet another bill that we will continuously have to fix.

We've heard this type of argument recently in the Assembly. A few weeks ago, we debated and passed Assembly Bills 37 and 38, efforts to improve Wisconsin's manufacturing sector. Both bills passed by wide, bipartisan margins. Representative Sanfelliop voted against the bill, as did Representative Nass. Representative Nass, during the floor debate said something that I believe applies to Assembly Bill 85. Quoting Representative Nass, "[p]art of the reason government is dysfunctional is because of the legislature's continued attempts to carve out certain amounts of money and tell departments what they should do with that money." The idea is that the State Legislature is bad at micro-managing the budgets of smaller units of government. Assembly Bill 85 ignores that wisdom.

Second, the Milwaukee County Board and the residents of Milwaukee County can govern themselves. The function, budget, and future of the Milwaukee County Board should be left to local control. There's hope that change will occur if it's needed. Eight members of the Milwaukee County Board are serving their first term and one in his second. That is half of the entire body. In that sense, the Milwaukee County Board is very similar to our numbers in the State Assembly. To the members of this Committee in your first or second term, I hope you share my sentiment that the culture we are creating together in the State Assembly is different than that during the Caucus Scandal or past partisan gridlock.

Half of the Wisconsin State Assembly is new and creating new priorities and a new culture. Half the Milwaukee County Board is new and creating new priorities and a new culture.

I know most of these new nine members. I know them to be passionate, intelligent, caring public servants. I also know them to be open, honest, and willing to work with their colleagues. The state legislature should be working as partners, mentors, or at the least co-workers to build bonds with all County Boards to work together, not tear us apart.

I want to recognize two of my friends on the County Board that I have the honor of calling my friends. Russell Stamper III and David Bowen. I have been to dozens of community events with both Supervisors Bowen and Stamper. The communities that have elected both Supervisors Stamper and Bowen have been energized and inspired by them. Both are the exact type of leader we hope to have, that any community would hope to have on their County Board.

Third, and most troubling to me personally and professionally is that Assembly Bill 85 singles out Milwaukee County. *Only Milwaukee.*

I am so honored to represent a portion of the great city of Milwaukee. There are struggles that are real, and that are frustrating, but there is great momentum in Milwaukee. I am so proud of how hard my neighbors work and how committed they are to one another. I can feel improvement everyday in my neighborhood. Assembly Bill 85 has caused unnecessary division in our community, stealing the dialogue away from positive change. Our community hasn't asked for this division and doesn't want it.

The last comment I have is one that I hope resonates throughout the State of Wisconsin. Wisconsin is struggling. We have fallen to 44th in the nation in job growth under Republican leadership. Today we waste time debating a bill that singles out Milwaukee, divides Milwaukee's community, and adds nothing to our citizens struggling to make ends meet. Stop attacking Milwaukee. Start creating jobs.

Thank you Chairman August and members, I greatly appreciate the opportunity to speak and hope that you do the right thing and do not pass this bill from Committee.



April 10, 2013

Dear State Rep. Stephen Nass

Thank You for the opportunity to hear our concerns about Milwaukee County Government. In doing research for this hearing, I was looking at some old federal documents, one of which has largely been over looked and almost forgotten. Please allow me to read one short paragraph from this document that I believe is very relevant to this discussion. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness-That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute new government"

Obviously that is from the 2nd paragraph of the Declaration of Independence which was written over 230 years ago. While we largely ignore this Founding document, I believe it is very relevant to the debate over the Milwaukee County board. The Milwaukee County board was originally compensated as a part-time position and has seen its oversight responsibilities significantly reduced in the past decade or more.

In 1995 former County Executive Tom Ament commissioned the "Milwaukee County Commission for the 21st Century", a one year study at the cost of \$75,000 that identified problems and solutions similar to what we find today.

- a)The Board should be exclusively a policy-making body, not a managing body.
- b) The board was then and continues today to be guilty of micro-managing.
- c) Streamline the County Board staff.

In 2002 it became clear that the Milwaukee County board had enacted the now infamous "Ament Pension Scandal" which so enraged the citizens that they removed Tom Ament and 25% of the sitting board members by recall. Some of those members still persist on today's board. Some are the same members who actively backed the former county board chairman even after he was charged with 90 ethics violations. That same pension scandal continues to encumber the taxpayers of Milwaukee County well into the millions of dollars today. They recently oversaw the botching of a transit contract that cost the taxpayers \$8.6 million dollars. In the most recent budget, one department head told the board that he did not need the 1 extra position in the budget yet the board insisted that he keep that position

funded, costing the taxpayers thousands of dollars. These are just a few examples of what has gone wrong because of votes by members of the Milwaukee County board.

I was one of the original people who started the now infamous "Ament Recall" in 2002. It has been 11 years almost to the day that Scott Walker was elected as Milwaukee County Executive in the wake of the "Ament Pension Scandal" Our group called for a part-time board 11 years ago and here is the document that proves that. In fact, the idea of a part-time board with part-time pay was the #1 item on the list of 10 items.

The board continues to micro-manage functions and mismanage funds in addition in engaging in political subterfuge such as the effort to drive out members who do not conform to their political ideology such as former board member Joe Rice.

I am in full agreement with AB 85 and reducing the pay and benefits of the Milwaukee County board. I am also in agreement that the budget of the county board should be reduced. I am not in favor of reducing the number of people who serve on the county board. The number of board members should stay the same or be increased.

I base this on what I refer to as the New Hampshire model. The state of New Hampshire is roughly the same size by population as Milw. County. New Hampshire has about 1.3 million people and Milwaukee County has just under a million. New Hampshire is the closest thing that we have to what the Founding fathers intended our government to look like, by that I mean more representation by citizens representatives not career politicians. What many people do not know is that New Hampshire has a state legislature that has 400 state representatives. Each one represents about 3,300 people. They are paid \$200 dollars per biennium. So clearly, the Milwaukee County Board is a part-time position and most of the people who serve in the assembly in New Hampshire are doing it as a public service and not because they want a great job with benefits at taxpayer's expense.

New Hampshire has the 4th largest government in the world, yet they are one of the smaller states measured by population in the country. It might be instructive to note that the state motto of New Hampshire is "Live Free or Die"

If we were to reduce the number of people who serve on the county board, it would make the districts much larger meaning that each supervisor would represent a substantially larger number of constituents. When you have more constituents to represent, that means more yard signs, more political literature, a larger mailing list and more of those wonderful phone calls to make, that everyone enjoys receiving. It could even mean that candidates may have to run expensive radio ads. As elected officials, you all know that all of the things I have just brought up cost a lot of money. Where does that money come from?

Again, as elected officials, you all know that it is difficult to get contributions from the average Joe or Mary who live in your district. A large amount of your contributions comes from special interests be they business interests or labor interests.

Our group much prefers the concept of a citizen county board, one that truly represents the interests of the people, not the special interests no matter which side of the aisle that you sit on.

Over the past several years, I have been making a number of Open Records Requests to Milwaukee County Board members for items such as their calendars, phone records, travel expenses, office accounts just to name a few. I have all of those records with me if any of you are interested in looking at any of them. They clearly show that the position of Milwaukee County Supervisor is a part-time position.

In addition, I have spoken to several people who are former Milwaukee County supervisors who have since been elected to the Milwaukee Common Council. While I am not defending the members of the Milwaukee Common Council, their work load is substantially larger and much more rigorous than the Milwaukee County Board.

Thank You for taking the time to consider our position

Orville Seymer

A handwritten signature in blue ink that reads "Orville Seymer". The signature is written in a cursive style, with the first name "Orville" being more prominent and the last name "Seymer" following it.



Citizens for Responsible Government

PO Box 371086 Milwaukee, WI 53237 414-788-0032 crgmke@crgnetwork.com www.crgnetwork.com

Citizens for Responsible Government County Executive Candidate Survey

1. I endorse and will support, with the full force and resources of the county executive, all available means of changing the pay and benefits of the county board of supervisors to part time status. Part time pay is defined as no more than 30% of the current supervisor salary. Part time benefits would require the elimination of current retirement benefits in favor of a system commensurate with what is available in the private sector for part time positions. Signify your agreement with this item by signing and dating below.

Candidates Signature: [Signature] Date: 4-20-2002

2. I support and will schedule a countywide referendum calling for term limits for the positions of county executive and county supervisor during the 2002 calendar year. The referendum may include the choices of "no term limits", "strict two-term limits", or "two-term limits with additional terms through election by a two-thirds majority". Signify your agreement with this item by signing and dating below.

Candidates Signature: [Signature] Date: 4-20-2002

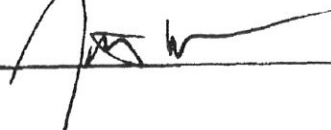
3. I pledge not to propose or support any new or increased taxes, including all levies, assessments, fees, licenses, or other direct and indirect taxing mechanisms above the rate of inflation for the next two years without express approval through a countywide referendum. The sole exemption to this policy would be pay per use fees where 100% of the fee is reserved to fund the associated service. Signify your agreement to this item by signing and dating below.

Candidates Signature: [Signature] Date: 4-20-2002

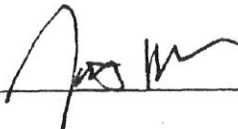
4. I will implement a program to eliminate nepotism and cronyism in county government within the first 60 days of my administration. The program shall include a review of all management and supervisory positions under the administrative control of the county executive. Key elements of the program must include a justification for each position and the person currently holding it, and a set of objective hiring, performance review, and salary criteria for each position. Signify your agreement with this item by signing and dating below.

Candidates Signature: [Signature] Date: 4-20-2002

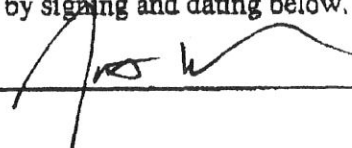
- 5a. I will not propose or support any new benefit increases/extensions of any kind except those proven to reduce taxpayer cost or to be revenue neutral. Signify your agreement to this item by signing and dating below.

Candidates Signature:  Date: 4-26-2002

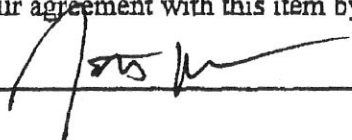
- 5b. I will not propose or support any new capital construction projects in excess of \$1,000,000 without approval via a countywide referendum for the next two years. This includes any and all expenditures for studies or other peripheral analyses involved in the development of such projects and benefit increases. Signify your agreement to this item by signing and dating below.

Candidates Signature:  Date: 4-20-2002

- 6a. I will immediately sign a waiver of all salary and benefits increases and enhancements available to the county executive that were enacted after January 1, 2000. Signify your agreement with this item by signing and dating below.

Candidates Signature:  Date: 4-20-2002

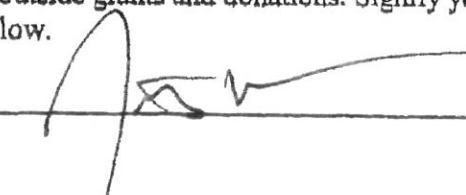
- 6b. I will also require, to the extent legally possible, that all non-represented county employees under my administrative control sign such a waiver as a condition of their continued employment. Signify your agreement with this item by signing and dating below.

Candidates Signature:  Date: 4-20-2002

- 6c. I also will not endorse, nor accept endorsements from any county employee that does not sign such a waiver either before or after the election. Signify your agreement with this item by signing and dating below.

Candidates Signature:  Date: 4-20-2002

7. I will support the creation of a citizens review board with full access to all public information and communications within county government, except those protected by law, within the first 180 days of my administration. The review board will be composed of a volunteer staff of citizens selected for their skills and availability to serve. This group will select two liaisons to county government to streamline interface and requests for information. The county will provide and maintain a small office space at the courthouse of approximately 6'x8', one phone for all in-bound and local/toll free out-bound calls, a single desktop PC with appropriate software for interfacing to county data processing and electronic media, two e-mail addresses, and a dedicated page on the county website to publish items of interest to the public. All other furnishings, support services, and expenses will be paid for through outside grants and donations. Signify your agreement to this item by signing and dating below.

Candidates Signature:  Date: 4-20-2002

8. I support a complete review and revamping of all county employment rules, including civil service, to make county employees accountable for their performance and to strengthen the emphasis on superior performance. A key element of this plan must include salary increases based on individual merit rather than blanket increases for entire classes of employees. In situations where this may be currently illegal, I will actively pursue legislation to mandate individual merit as the basis for salary actions. Signify your agreement to this item by signing and dating below.

Candidates Signature: _____

Date: 4-20-2002

9. I support the creation of a new code of ethics that enumerates acceptable behaviors, actions, and remedies for violations for all county elected and appointed positions. Violations of this new code would be reviewed and addressed on a quarterly basis by three randomly selected members of the county judiciary. Signify your agreement to this item by signing and dating below.

Candidates Signature: _____

Date: 4-20-2002

10. I will support and actively pursue, with the full force and resources of the county executive, a program to convert the current county defined benefit pension plan to a defined contribution benefit plan consistent with typical practice in the private sector. This plan, when passed, would be immediately implemented for non-represented employees and eventually negotiated with represented employees. Signify your agreement to this item by signing and dating below.

Candidates Signature: _____

Date: 4-20-2002



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- 5a. I will not propose or support any new benefit increases/extensions of any kind except those proven to reduce taxpayer cost or to be revenue neutral. Signify your agreement to this item by signing and dating below.

Candidates Signature: James N. By Date: 4-19-02

- 5b. I will not propose or support any new capital construction projects in excess of \$1,000,000 without approval via a countywide referendum for the next two years. This includes any and all expenditures for studies or other peripheral analyses involved in the development of such projects and benefit increases. Signify your agreement to this item by signing and dating below.

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Candidates Signature: James N. By Date: 4-19-02

- 6b. I will also require, to the extent legally possible, that all non-represented county employees under my administrative control sign such a waiver as a condition of their continued employment. Signify your agreement with this item by signing and dating below.

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- 6c. I also will not endorse, nor accept endorsements from any county employee that does not sign such a waiver either before or after the election. Signify your agreement with this item by signing and dating below.

Candidates Signature: _____ Date: _____

7. I will support the creation of a citizens review board with full access to all public information and communications within county government, except those protected by law, within the first 180 days of my administration. The review board will be composed of a volunteer staff of citizens selected for their skills and availability to serve. This group will select two liaisons to county government to streamline interface and requests for information. The county will provide and maintain a small office space at the courthouse of approximately 6'x8', one phone for all in-bound and local/toll free out-bound calls, a single desktop PC with appropriate software for interfacing to county data processing and electronic media, two e-mail addresses, and a dedicated page on the county website to publish items of interest to the public. All other furnishings, support services, and expenses will be paid for through outside grants and donations. Signify your agreement to this item by signing and dating below.

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